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VOCATIONAL EDUCATION ACT OF 1963, A CASE STUDY IN LEGISLATION.

BY- KLIEVER, DOUGLAS E.

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THE SMITH-HUGHES ACT OF 1917, DEVELOPED FROM THE "REPORT OF THE COMMISSION ON NATIONAL AID TO VOCATIONAL EDUCATION," WAS THE BASIS FOR HR4955. THE BILL'S IMMEDIATE HISTORY BEGAN IN 1960 WITH THE ENTHUSIASM OF ADVOCATES OF EDUCATIONAL LEGISLATION FOR THE NOMINATION OF JOHN F. KENNEDY. THE AMERICAN VOCATIONAL ASSOCIATION (AVA) RECEIVED A PLEDGE OF SUPPORT FROM THE CANDIDATE. AT THIS TIME THE AVA SOUGHT TO ASCERTAIN THE VIEWS OF ITS MEMBERSHIP PRIOR TO A REVISION OF POLICY. IN NOVEMBER 1962 A PANEL OF CONSULTANTS, ESTABLISHED BY THE PRESIDENT, TO EVALUATE THE NATIONAL VOCATIONAL EDUCATION ACTS AND MAKE RECOMMENDATIONS FOR REDIRECTING THE PROGRAM, RECOMMENDED A LARGE INCREASE IN THE FEDERAL CONTRIBUTION FOR VOCATIONAL EDUCATION, ABANDONMENT OF THE LEGISLATIVE CATEGORIES IN THE SMITH-HUGHES AND GEORGE-BARDEN ACT, NEW LEGISLATIVE CATEGORIES, AND NEW FUNDS. IN THE FALL OF 1962, AS THE OFFICE OF EDUCATION BEGAN THE ADMINISTRATION'S VOCATIONAL EDUCATION BILL, WHICH BECAME HR 3000 AND S 580, THE AVA WROTE AN UNOFFICIAL DRAFT OF WHAT BECAME HR 4955, ALSO KNOWN AS THE PERKINS BILL. PUBLIC HEARINGS ON BOTH BILLS WERE COMPLETED IN APRIL 1963. HR 4955 WAS REPORTED ON JUNE 18, WAS BROUGHT TO THE FLOOR OF THE HOUSE FOR DEBATE, AND PASSED BY A VOTE OF 377 TO 21 ON AUGUST 6. THE BILL'S PASSAGE THROUGH THE SENATE WAS MARKED BY ITS RETURN TO THE RULES COMMITTEE AND A DEADLOCK OF THE HOUSE-SENATE CONFERENCE TO CONSIDER POINTS OF DISAGREEMENT. PRESIDENT JOHNSON'S PLAN FOR ACTION BROKE THE DEADLOCK, AND THE SENATE VERSION CARRIED ON THE MAJOR POINTS WHICH CONCERNED THE WORK-STUDY PROGRAM, RESIDENTIAL SCHOOL PROGRAM, AND ALLOTMENT FORMULA. ON DECEMBER 13, THE SENATE AGREED TO THE CONFERENCE REPORTS BY A VOTE OF 82 TO 4. ON DECEMBER 18, 1963, PRESIDENT LYNDON B. JOHNSON APPROVED THE VOCATIONAL ACT OF 1963, AND IT BECAME PUBLIC LAW 88-210. (EM)

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VOCATIONAL EDUCATION ACT OF 1963 a case study in legislation

VOCATIONAL EDUCATION ACT OF 1963

a case study in legislation

Douglas E. Kliever

The author originally presented this work as a senior thesis to the faculty of the Department of Politics and of the Woodrow Wilson School of Public and International Affairs, Princeton University, in partial fulfillment of the requirements for the bachelor of arts degree.

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American Vocational Association, Inc.
1025 15th Street, N.W., Washington, D.C. 20005

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The material used to write this thesis is a combination of information from the files of the subcommittee, interviews and personal participation and observation. Any factual or evaluative errors contained in this thesis are solely my responsibility.

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CHAPTER ONE

Introduction to Education Legislation

The history of federal aid to education is a topic that is never far from the minds of legislators debating education legislation. In order to understand the story of education legislation in the 88th Congress, it is necessary to view that story in the perspective of past education legislation, both proposed and enacted.

The Federal Role in Education

The Federal Government has played a role, although limited, in education since the Northwest Ordinances of 1785 and 1787 were enacted during the era of the Articles of Confederation. The Morrill Land Grant College Act of 1862 and the Smith-Hughes Vocational Education Act of 1917 were major instances of early federal involvement in education.

The Lanham Act of 1941 and Public Laws 815 and 874 of 1950 represent additional and substantial federal financial aid to education. These laws were enacted to alleviate the financial burden created by the presence of federal personnel and federal property in local school districts. Passed in 1944 and later extended to Korean War veterans, the "GI Bill of Rights" included a large amount of educational aid.

In 1958, thoroughly frightened by the launching of "Sputnik I" in 1957, Congress enacted the National Defense Education Act to improve the teaching of mathematics, science and the modern foreign languages. The NDEA provided aid for every level of education from elementary schools to postgraduate education.

This history of federal involvement in education presents neither a clear precedent for massive federal education programs nor a clear precedent for total federal abstention. *The Historic and Current Federal Role in Education,* a report prepared by the Legislative Reference Service of the Library of Congress, provides a reasonable evaluation of the federal role in education.

> That the Federal Government has been and is now very much concerned with education is evidenced by the existence of several hundred federal educational activities. But to acknowledge the existence of this concern, as expressed in these activities, is not to say how or to what extent the Federal Government should participate in the administration or in the support of education.[1]

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[1] U.S., Congress, Senate, Committee on Labor and Public Welfare, Subcommittee on Education, *Historic and Current Federal Role in Education.* 87th Congress, 1st Session, 1961, p. 3.

Consequently, discussion of what the federal role in education ought to be underlies all debates on federal aid to education. The question is not simply whether or not the Federal Government should participate in education but what the limits of the federal role ought to be.

Federal Government and Vocational Education

Since the vocational education bills were part of an effort to increase the degree to which the Federal Government participates in education, vocational education legislation became entangled in this debate. However, the federal commitment to vocational education is as great as the federal commitment in any other area of education. The Smith-Hughes Act of 1917 provided $7.2 million dollars for state vocational education programs. The first major permanent addition to this legislation, the George-Deen Act of 1936, which was amended and replaced by the George-Barden Act of 1946, authorized an additional $29 million for vocational education programs.

Even in vocational education, the role of the Federal Government in relation to the role of state and local governments has been limited. The federal funds have been overmatched heavily by state and local expenditure. According to Sar Levitan, the 1961 public school expenditure for vocational education was about $750 million. Excluding expenditures for construction and office occupation training, which were not supported by federal funds, the expenditure for 1961 was $254.1 million including the federal contribution of $48.0 million.[2] Thus, the Federal Government is neither the primary nor the sole supporter of vocational education programs. However, the tradition of federal aid for vocational education moderated the effect of the federal role issue in debates on vocational education.

Neither of the other two component parts of the "minibus" bill—impacted areas aid and NDEA—were new federal programs. Parts B and C were extensions and revisions of existing programs. Therefore, the debate over the federal role in education was moderate on these issues, also. Nevertheless, the issue was present and the proponents of the legislation faced many obstacles advocates of federal aid faced in the past.

Proposed Legislation: 1946-1960

The obstacles facing education legislation rarely have been overcome. In 1946, a bill for general aid to public schools, co-sponsored by Senator Robert Taft, was reported to the Senate but never acted upon; this was the first of the post-war bills. In 1948, a pattern was set for general school aid bills that was to hold for the next four years. By a roll call vote of 58-22, the Senate passed a $300 million elementary and secondary school aid bill but the bill never was reported from the House Education and Labor Committee. During the remainder of the period before the Eisenhower administration, the Senate passed numerous education bills but the House committee, torn by the religious issue, would not report them for action.[3]

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[2] Sar A. Levitan, *Vocational Education and Federal Policy* (Kalamazoo, Michigan, Upjohn Institute for Employment Research, 1963), p. 6.

[3] "Federal Aid to Education," *Congressional Quarterly Almanac*, XVII (1961), 211.

Eisenhower Administration

During the Eisenhower administration, the religious issue, the race issue, the conservative domination of the House Education and Labor and Rules Committees and the conflict between the administration and the liberal Democrats in Congress combined to form an insurmountable barrier to any significant education legislation with the exception of the National Defense Education Act.[4]

In 1960 (86th Congress, 2nd Session), the deadlock nearly was broken. The Senate passed a $1.8 billion elementary and secondary school construction and teacher salary bill with an equalization formula based on per capita income; the House passed a $1.3 billion construction bill with no equalization formula. However, the House Rules Committee refused to issue a rule allowing a conference on the bills.[5]

Kennedy Administration

Bolstered by the nearness of victory in 1960 and by the inauguration of a young, energetic and liberal President, the proponents of federal aid to education were optimistic when the 87th Congress convened in 1961. The fruits of victory remained untasted.

In his State of the Union Message in 1961, President Kennedy pleaded strongly for education legislation:

> Our classrooms contain 2 million more children than they can properly have room for, taught by 90,000 teachers not properly qualified to teach. One-third of our most promising high school graduates are financially unable to continue the development of their talents. The war babies of the 1940s who overcrowded our schools in the 1950s are now descending in 1960 upon our colleges—with two college students for every one, ten years from now—and our colleges are ill prepared. We lack the scientists, the engineers and the teachers our world obligations require. . . . Federal grants for both higher and public school education can no longer be delayed.[6]

On February 20, 1961, the President sent his education message to Congress. The message read in part, "Our twin goals must be: a new standard of excellence in education—and the availability of such excellence to all who are willing and able to pursue it."[7] The President's message introduced a proposal for a three-year, $2.3 billion program of grants for construction and salaries in public elementary and secondary education. In addition, a loan program of $2.8 billion for construction of college and university facilities and a $892 million scholarship program were presented. On April 26, 1961, the administration forwarded a proposal for extension and expansion of the National Defense Education Act.[8]

Nineteen sixty-one was a dismal year for the advocates of federal aid. In

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[4] *Ibid.*, pp. 211-212.

[5] "Rule Group Stalls School Aid-Legislation," *Congressional Quarterly Almanac*, XVI (1960), 232-237.

[6] "State of the Union Message," *Congressional Quarterly Almanac*, XVII (1961), 858.

[7] U.S., Congress, *Congressional Record*, 87th Congress, 1st Session, 1961, pp. 2429-2431.

[8] "Resumé of 1961 Action on School-Aid Bills," *Congressional Quarterly Almanac*, XVII (1961), 213-214.

May, the Senate passed S. 1021, a $2.5 billion program for the construction, maintenance, costs and teachers' salaries in public elementary and secondary education. Adam Clayton Powell (Dem.-N.Y.), replacing conservative Democrat Graham Barden (Dem.-N.C.) as chairman of the House Education and Labor Committee, broke the conservative hold on the Committee. The Committee reported an NDEA extension bill, a college aid bill and an elementary and secondary school construction bill. However, the Rules Committee tabled all three bills on July 18. An attempt to by-pass the Rules Committee, under the Calendar Wednesday procedure, with a pared down public school construction bill failed. The only pieces of legislation enacted in the 1st Session of the 87th Congress were simple two-year extensions of NDEA and impacted areas aid.[9]

87th Congress, Second Session

The second session proved no brighter for supporters of federal aid to education. The President reiterated his 1961 proposals but the 87th Congress remained barren of major education legislation. Very early in the session, the House passed a higher education bill (HR 8900) and the Senate, within two weeks, amended and passed the same bill. However, the House Rules Committee held it from conference until very late in the session. Differing on the issues of aid to private or church related schools and scholarships, the conferees were unable to arrive at a suitable agreement. The only formal attempt at a conference compromise was recommitted by the House on September 20 by a vote of 214-186.[10]

As the weary congressmen adjourned to face the fall election, it was clear that the battle for education legislation would be an uphill fight. Not only had Congress been split thoroughly but the interest groups involved had fought among themselves. The past was bleak and the future appeared no brighter.

Outlook for 1963

As the proponents of federal aid to education looked forward to the 1st Session of the 88th Congress, they saw no reason to feel optimistic. There were question marks surrounding each of the major actors in the story of what was to be the "Education Congress of 1963."

Administration

President John F. Kennedy's education program had received a stinging defeat in the 87th Congress. Not one of the major programs he had proposed was enacted. His defeats in education were matched by defeats in other areas—medicare, civil rights, foreign aid. Consequently, the proponents of federal aid could not be sure that he would throw his full weight behind education proposals rather than another aspect of the administration's legislative program.

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[9] *Ibid.*

[10] "President's Education Program Stalled," *Congressional Quarterly Almanac*, XVIII (1962), 231-232.

Criticism of President Kennedy's handling of the 87th Congress was varied and, at times, contradictory. Some felt that the President had been unwilling to exert his full prestige and power on Congress. "Instead, he has sought to win them over by the elements of compromise and adjustment. . . . ."[11] Others felt that the President had asked Congress for too much, that his sweeping liberal programs had spread his influence too thin. Furthermore, it was asserted that he had been unable to convert his personal prestige and popularity into effective power.[12] On the other hand, congressmen, especially representatives, objected to "telephonic pressure, arm twisting, cajoling, head counting. . . ."[13] which they felt alienated too many marginal liberals. In addition, an often heard criticism among House Republicans was that the Democratic administration had ignored and, in fact, abused them.

Senate

The Senate was predicted to be no obstacle to education legislation. Education legislation had had virtually no trouble clearing the Senate and it did not appear that there would be a problem in 1963. The Democrats had a majority of 67 to 33. Moreover, with the change-over in personnel as a result of the 1962 elections, it appeared that the Senate in 1963 would be even more liberally oriented than the Senate in 1961 and 1962 when the margin was 66-34. "Enough 'conservatives' have been replaced by 'liberals,' the view is, to make the Senate a relatively safe place for most New Frontier ideas. . . ."[14]

On education legislation, there was no chance that the Senate would be ruled by the bloc of southern senators and conservative Republicans. There is no southern bloc that opposes education legislation. The attitude of the southern Democratic senators varies. Senators Thurmond (S.C.), Stennis (Miss.) and Eastland (Miss.) consistently oppose education legislation. Senators Hill (Ala.), Yarborough (Texas) and Sparkman (Ala.) support education legislation fairly consistently with the remaining southern senators neither strongly opposing nor advocating federal aid to education. The southern bloc, as a whole, opposes education legislation only when the race question arises.[15]

Looking forward to 1963, advocates of federal aid to education could see only two possible issues that might cause the Senate to balk. One, of course, was the race issue. The second, the religious issue, had dangerous potential. Senators, otherwise staunch supporters of education legislation, were undecided on the type of aid that could be offered to private or parochial schools under the United States Constitution.[16]

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[11] Carroll Kilpatrick, "The Kennedy Style and Congress," *Virginia Quarterly Review*, XXXIX (Winter 1963), 11.

[12] "Why Congress Doesn't Give JFK What He Wants," *U.S. News and World Report*, LIV (March 18, 1963), 39.

[13] Meg Greenfield, "Why Are You Calling Me, Son?," *The Reporter*, XXVII (August 16, 1962), 31.

[14] "New Help for Kennedy in Senate," *U.S. News and World Report*, LIV (January 21, 1963), 35.

[15] This conclusion is based upon a study done by the author. The Senate was analyzed utilizing the methods of David Truman in *The Congressional Party* (New York: John Wiley, 1959). This analysis was based upon 20 roll call votes on education legislation in the 86th Congress, 1st Session.

House of Representatives

Despite the Democratic majority (258 to 177), the House promised to be the major obstacle to education legislation. The House of Representatives in the 88th Congress promised to be conservative. "House conservatives clearly outnumber the liberals because an overwhelming majority . . . of the . . . southern Democrats tend to conservatism. . . ."[17] Assuming that the Republicans are unanimously in opposition, only 41 of the 95 southern Democrats in the House would have to desert their party in order to defeat a Democratic or liberal proposal.[18] Minority Leader Charles Halleck (Ind.) can exert amazing control over the Republicans if necessary; defeat of the 1961 general school bill after a similar bill had passed the House in 1960 can be attributed to Halleck's reclaiming liberal Republicans who had voted for the 1960 bill.

The Rules Committee also promised to be a formidable obstruction. The power of the chairman, Howard Smith (Dem.-Va.), is vast. Moreover, two potential coalitions existed within the Rules Committee that could block education bills. One was a coalition of conservative Republicans and southern Democrats. The other was a coalition of Roman Catholic representatives, southern Democrats and conservative Republicans. The latter coalition would be brought to bear if a bill slighting parochial schools were up for a rule.

It is often assumed that interest groups work unhesitatingly toward one sole objective; moreover, while it usually is conceded that two interest groups may oppose each other (such as the NAM and organized labor), it is rarely acknowledged that two or more groups advocating the same general end may conflict over specifics. However, this is exactly what happened in the 87th Congress.

The National Education Association planned to lead a coalition of interest groups in a fight for education legislation.[19] The coalition lasted until the general public school aid bill had been defeated and then became hopelessly divided on the issue of aid to parochial schools in relation to the higher education bill.[20]

As the 88th Congress convened, observers wondered if a workable and stable coalition of interest groups could be built and if the specific interest groups involved would be willing to work for legislation with which they were not perfectly satisfied and, in general, what could be done to prevent the infighting which had occurred in the 87th Congress.

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[16] The significance of this point is illustrated by the fact that four (Morse, Randolph, Hill, Yarborough) of the six Democratic senators on the Senate Education Subcommittee have reservations on aid to private and parochial schools.

[17] Neil MacNeil, "The House Confronts Mr. Kennedy," *Fortune Magazine*, LXV (January 1962), 72.

[18] 95 Southern Democrats from the following states: Alabama (8), Arkansas (4), Florida (10), Georgia (10), Louisiana (8), Mississippi (5), North Carolina (9), South Carolina (6), Tennessee (6), Texas (21), Virginia (8).

[19] "Federal Role Remains Basic in School Bill Fight," *Congressional Quarterly Weekly Report*, XIX (April 7, 1961), 624-625.

[20] Interview with Samuel Halperin, U.S. Office of Education, February 14, 1964.

CHAPTER TWO

The Stage Is Set

The history of a bill actually begins with the first demands for legislation in that field. Thus, the history of HR 4955 may be said to go back at least to the time when the Smith-Hughes Act of 1917 was being developed from the *Report of the Commission on National Aid to Vocational Education.*[1] The early legislation, and the demand for it, is important for it sets a limit on later demands as the ideas embodied into earlier law become the basis for later proposals. Not only does existing law become the basis for new laws but may become also a sacred symbol to the interest groups involved. As shown later, this factor was behind many of the recommendations made by the American Vocational Association, the group most interested in vocational education legislation.

AVA Makes Plans

The immediate history of the Vocational Education Act of 1963 began in 1960. The American Vocational Association shared the enthusiasm of other advocates of education legislation for the nomination of John F. Kennedy. The association received a pledge of support from the candidate.[2]

However, the AVA, under the guidance of Dr. M. D. Mobley, began to ascertain what its membership desired in the way of a revision of existing policy before making any specific recommendations. This type of action, insuring that the membership is behind the recommendations of the interest group, is necessary for effective lobbying. The lobbyist, in order to be effective, must be the master of the "thinking and objectives" of his group and he must "consolidate approval within his organization."[3] This is especially important for the AVA. Its members are the men and women who have run the vocational education program and used federal funds for over 45 years. Consequently, they have set ideas about what changes in existing laws ought to be made. Such an organization may be considered a stodgy group with a vested interest;[4] yet, the members of AVA are also the professionals who have been the closest to vocational education and who are experts in the field.

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[1] A Congressional Commission chaired by Senator Hoke Smith of Georgia. M. D. Mobley, "History of Federal Funds for Vocational Education," *American Vocational Journal,* XXXI (December 1956), 99.

[2] Interview with Dr. M. D. Mobley, Executive Secretary, American Vocational Association, February 13, 1964.

[3] Franklin L. Burdette, *Lobbyists in Action,* (Manassas, Va.: National Capitol Publishers, Inc., 1950), p. 23.

[4] Interview with ...., February 1964.

During 1961 and 1962, Dr. Mobley had conferences, both in Washington and in the various states, with nearly 1000 AVA state staff members. Dr. Mobley, on his side, explained what the AVA conceivably could get through Congress; the state staff members, on the other hand, explained what changes in existing laws they would approve. These discussions were supplemented by discussions of the subject at the annual meeting of the AVA's House of Delegates, the association's governing body.[5]

The Panel of Consultants

The American Vocational Association, at the same time, conceived the idea of a Presidential committee to study the problem of vocational education and make specific recommendations. Intending to make such a suggestion, representatives of the association met with Secretary of Health, Education, and Welfare Abraham Ribicoff early in 1961. However, the Secretary already had intended to propose the establishment of a Presidential panel to President Kennedy.[6] Subsequently, in his 1961 "Education Message," President Kennedy said:

> . . . I am requesting the Secretary of Health, Education, and Welfare to convene an advisory body drawn from the educational profession, labor-industry, and agriculture, as well as the lay public, together with representation from the Departments of Agriculture and Labor, to be charged with the responsibility of reviewing and evaluating the current National Vocational Education Acts, and making recommendations for improving and redirecting the program.[7]

Since the impact of a study group may be lost if its impartiality is questioned due to an apparent connection with a specific interest group, the AVA recommended that the number of vocational education personnel to serve on the panel be limited. Mobley, himself, refused to be on the Panel. The AVA did act upon request to supply information for the study group.[8]

Recommendations of the Panel

Chaired by Benjamin C. Willis, Superintendent of the Chicago Schools, the Panel of Consultants reported in November 1962 although the report was not published until the spring of 1963. The Panel based its recommendations upon the projected need for vocational education, taking into consideration the problems of unemployment and the demand for trained workers. The Panel recommended a large increase in the federal contribution for vocational education and the abandoning of the legislative categories in the Smith-Hughes Act and George-Barden Act.[9]

The following is a summary of the Panel's recommendations for new legislative categories and new funds.[10]

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[5] Interview with Mobley, *op. cit.*

[6] *Ibid.*

[7] U.S., Congress, *Congressional Record*, 87th Congress, 1st Session, 1961, p. 2430.

[8] Interview with Mobley, *op. cit.*

[9] The existing legislation authorized appropriations specifically for occupation categories such as agriculture, home economics, trade and industry and distributive.

Proposed Category	Suggested Federal Funds for FY 1963-64 (in millions)		Corresponding federal appropriations, FY 1962-63 (in millions)
I. High School Age Youth	$200	Smith-Hughes and George-Barden	24
II. Youth with Special Needs	10	None	
III. Post-High School Youth and Adults	50	Technician Training	10
		Practical Nurse Training	4.5
			14.5
IV. Youth and Adults at Work or Unemployed	100	Smith-Hughes and George-Barden	7.5
		Technician Training	5
		Area Redevelopment Act	3
		Manpower Development Training Act	20
		Practical Nurse Training	0.5
		Fishery Training	0.18
			36.18
V. Services to Vocational and Technical Education	40	Administrative, Supervision, Teacher Training and Guidance Services under Smith-Hughes and George-Barden Acts	5
Totals	$400		$79.68

Impact of the Panel

Assessing the impact of the report of the Panel of Consultants on the thinking and decisions of legislators and the public is difficult. Panels always are criticized for being prejudiced toward the President's viewpoint; in this case, the Panel was suspected of having a liberal and pro-vocational education orientation. Consequently, few congressmen who opposed vocational education were converted. Many of those who did favor vocational education were not impressed by the study. In the words of one House member, Peter Frelinghuysen (Rep.-N.J.), "The report looks like something from the third grade. I think that it is of no value."[11] (EDITOR'S NOTE: Congressman Frelinghuysen was referring to the *Summary Report* of the Panel which consisted largely of charts, diagrams and graphs.)

The report, however, was not useless. First, it became the visible point for initiating recommendations for a new vocational education program. Second, and related to the above, it became a source of propaganda for the advocates of vocational education. Third, parts of the Panel's recommendations were incorporated into the original administration proposal.

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[10] Report of the Panel of Consultants on Vocational Education, *Education for a Changing World of Work*, in U.S., Congress, Senate, Committee on Labor and Public Welfare, Subcommittee on Education, *Education Legislation—1963*, 88th Congress, 1st Session, 1963, p. 4395.

[11] U.S., Congress, House, Education and Labor Committee, General Education Subcommittee, *Vocational Education Act of 1963*, 88th Congress, 1st Session, 1963, p. 259.

The Administration Prepares a Bill

In the late fall of 1962, the Office of Education began to draft the administration vocational education bill. The administration officials who did most of the work on the bill were as follows: Wilbur Cohen, Assistant Secretary for Legislation of the Department of Health, Education, and Welfare; Reginald Conley, Assistant General Counsel of the Department of Health, Education, and Welfare; and, Walter Arnold, Assistant Commissioner for Vocational and Technical Education, Office of Education.

Each of these capable officials had a specific job to do. Cohen served as liaison officer. This included not only liaison with Congress, which his title implies, but also liaison with the interest groups involved. Thus, Cohen discussed possible proposals with the AVA, legislators and legislative staff members.

Conley was in charge of the drafting of the bill. Due to the complexity of the legislation, this was neither a simple nor routine job. In fact, Conley was called by one of his co-workers "the father of the vocational education bill."[12] Dr. Arnold, administrator of existing laws, was consulted for expert information on the needs of vocational education and for policy and administrative recommendations. Behind this group lay the prestige and authority of the President.

AVA Reaction

During the period of drafting, the AVA worked closely with Cohen and was quite confident that most of its policy proposals would be accepted. However, during the final process of drafting in HEW (Department of Health, Education, and Welfare) and during review by the Bureau of the Budget, a proposal was produced that was very unsatisfactory to the AVA. The bill, which was to become one title of the President's omnibus education bill, contained a smaller authorization than the AVA desired and made changes in existing laws. The AVA strongly opposed repeal of the existing laws. The association, therefore, began to work on the premise that a new bill would have to be introduced.[13]

The Omnibus Bill

The administration proposal for vocational education became part of the "Omnibus Education Bill" recommended by the President and introduced to the Senate and the House on January 29. In the House, the bill was assigned the number HR 3000 and in the Senate, S. 580. The bill was mammoth. It contained 24 major education proposals within its 182 pages:

Title I	Expansion of Opportunities for Individuals in Higher Education
	Part A—Student Loans
	Part B—Student Loan Insurance

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[12] Interview with Halperin, *op. cit.*
[13] *Ibid.*

Part C—Student Work-Study Programs
Part D—Graduate Fellowships
Title II Expansion and Improvement of Higher Education
Part A—Higher Education Facilities
Part B—Public Community College Academic Facilities
Part C—College Level Technical Education
Part D—College and University Libraries
Part E—Graduate Schools
Part F—Modern Foreign Language Training and Research
Title III Improvement of Educational Quality
Part A—Institutes for Advanced Study for Teachers
Part B—Teacher Preparation Programs
Part C—Specialized Training for Teachers and Related Educational Personnel
Part D—Educational Research and Demonstration
Part E—State Statistical Services
Title IV Strengthening Elementary and Secondary Education
Part A—Public Elementary and Secondary Education
Part B—Science, Mathematics and Modern Foreign Language Instruction Equipment
Part C—Guidance, Counseling and Testing
Part D—Federally Affected Areas
Title V Expansion and Improvement of Vocational and Special Education
Part A—Vocational Education
Part B—Education of Handicapped Children
Title VI Expansion of Continuing Education
Part A—General University Extension Education
Part B—Adult Basic Education
Part C—Public Community Libraries
Title VII General Provisions[14]

The President in his 1963 "Education Message" emphasized the necessity of a comprehensive education program:[15]

> Education is the keystone in the arch of freedom and progress. . . . A free nation can rise no higher than the standard of excellence set in its schools and colleges. . . . And the Federal Government—despite increasing recognition of education as a nationwide challenge, and despite the increased financial difficulties encountered by states, communities and private institutions in carrying this burden—has clearly not met its responsibilities in education. . . . To enable the full range of educational needs to be considered as a whole, I am transmitting to the Congress with this message a single, comprehensive education bill—the National Education Improvement Act of 1963.[16]

The Omnibus Approach

Many critics doubted the desirability of the omnibus approach. House Republicans, who selectively oppose and support education legislation "according to the merits," lambasted the administration for refusing to set a priority on the various provisions within the comprehensive bill.[17] The Democrats in both bodies were also bothered by the lack of direction given by the administration. Surely the administration did not feel that the entire omnibus bill could be enacted. Yet, the administration left Congress without priorities. The bill "thrilled" the advocates of federal aid to education but they were never sure exactly what the administration wanted.[18]

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[14] *Education Legislation-1963, op. cit.*, pp. 111-112.
[15] The total cost of the bill was about $5 billion.
[16] *Education Legislation-1963, op. cit.*, pp. 4-7.
[17] Interview with Peter Frelinghuysen, Representative from New Jersey, U.S. House of Representatives, February 25, 1964.

One motive behind the decision of the administration was the desire not to show favoritism to any one education program. It was hoped that the approach would prevent the interest groups from fighting among themselves as they had done in the 87th Congress. As the 1963 session rolled on, intergroup conflict failed to materialize. However, this cannot be attributed to the omnibus approach since it could have had a binding effect only as long as it was kept intact.[19] Once the bill had been dismantled, as it was by the House in February, there would be nothing to prevent infighting over the priority system. As one doubting lobbyist commented, "It was too clever by half." The reason why there was little intergroup conflict, he continued, is simple; the interest groups who had fought in the 87th Congress found that it did not pay.[20]

The second consideration which led the administration to adopt the omnibus approach was the impact that such a bill would have upon congressmen and the public. The comprehensive bill probably did focus attention on the problems of education in general. However, this was done at the expense of individual education programs. Richard Neustadt points out that those "massive annual presentations have a tendency to blur the public image of particulars, scatter attention, divert interest."[21]

A third, and probably dominant, motive can be inferred from the omnibus approach. The 88th Congress preceded the 1964 Presidential campaign. A liberal President has many groups to please and the best way to please them is to propose a program for each. Judging by the problems faced by education legislation in the past, it was obvious that the entire proposal could not pass. Since the House Republicans hold the balance of power on close votes on education legislation, it is not particularly difficult to pin the responsibility for the defeat of such legislation on the Republicans who voted against the bill. Consequently, the scheme for building up the image of the administration was foolproof. If a large amount of education legislation got through Congress, the credit would be given to a dynamic administration; on the other hand, if little or no legislation were enacted, the picture painted would be of an equally dynamic and farsighted administration frustrated by a reluctant Congress.

Title V-A

The part of the omnibus bill pertaining to vocational education slightly disappointed the staunch advocates of vocational education. After briefly reiterating the role of vocational education in solving the problem of the unskilled and unemployed, the President tersely recommended that Congress:

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[18] Interview with Dr. Deborah Wolfe, Staff Member, House Committee on Education and Labor, February 27, 1964.

[19] Interviews with Peter Muirhead, Office of Education, February 14, 1964, and Halperin, *op. cit.*

[20] Interview with ...., February 1964.

[21] Richard Neustadt, "Planning the President's Program," in Theodore Lowi, ed., *Legislative Politics U.S.A.* (Boston: Little, Brown and Co., 1962), p. 192.

> Expand the scope and level of vocational education programs supported through the Office of Education by replacing the Vocational Education Act of 1946 with new grant-in-aid legislation aimed at meeting the needs of individuals in all age groups for vocational training in occupations where they can find employment in today's diverse labor markets. . . .[22]

The AVA was disappointed not only by the lack of emphasis given vocational education but with the changes made in existing legislation in Title V-A of the administration proposal. Title V-A repealed the George-Barden Act and with it the occupational categories. This the AVA opposed. First, they felt that the present administrative structure at all levels would be virtually destroyed by the removal of the categories; instead the AVA preferred additional funds that could be used for new categories or for the expansion of training in the existing occupational categories. Second, the repeal of the George-Barden Act meant repeal of the symbol that had long been the rallying point of vocational educators. The association was also disappointed with the level of the appropriations authorization. Title V-A authorized $23 million in new funds for the fiscal year 1964. The Panel of Consultants had, on the other hand, recommended an increase of almost $350 million over and above the amounts available under existing vocational education acts.[23]

The AVA Prepares a Bill

Since the administration had made its decision on the type of vocational education proposal it would make, the AVA discussed its objectives with members of the House and Senate committees. In order to get its recommendations in bill form, the AVA through its own lawyer and with the help of staff members of the House and Senate Education Subcommittees had an unofficial draft bill drawn up for introduction in the House and Senate. The AVA asked its long-time friend and House General Subcommittee on Education chairman, Carl Perkins (Dem.-Ky.), to sponsor the bill in the House. The bill, known as the Perkins Bill, was assigned the number HR 4955.

At the same time the AVA was getting its proposals in legislative form, it was establishing contact with key senators and representatives. In the Senate, this consisted primarily of discussions with Senate staff members, both of the Labor and Public Welfare Committee and the individual senators. In the House, in addition to Perkins, the AVA talked to the House Republicans on the Education and Labor Committee. While the Republicans, led by Peter Frelinghuysen and Charles Goodell (N.Y.), were agreed that there was a need for expansion of vocational education programs and were gratified that they had been contacted early, they would make no specific commitments.[24] In fact, these early meetings initiated the stormy relationship that was to exist between the AVA and the House Republicans. They agreed on the general objective but differed strongly on many of the specific aspects of the vocational education program.[25]

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[22] *Education Legislation-1963, op. cit.*, p. 15.

[23] Interviews with Mobley, Halperin and Muirhead, *op. cit.*

The Forgotten Youth

There was one other major reaction to the President's vocational education program. The Senate Republican Policy Committee, noting the difference in scope between the recommendations of the Panel of Consultants and the President's recommendations for vocational education, prepared a staff study on vocational education entitled *The Forgotten Youth*. Under the direction of David Teeple, the staff director for the Policy Committee, the study was completed and released on March 4, 1963. The report mounted a strong attack on the administration.

> In 1961, the administration called together a panel of experts to study vocational education needs. . . . The experts agreed there is a deep-seated need for added vocational and technical courses and that the need will increase during the years ahead. They recommended an immediate start and set a price tag of $400 million. Yet, in its school message, the administration came up with a figure of $73 million. A study of the complex problems facing young people today—and the society into which they must fit—indicates that perhaps the experts, not the administration, were on the right track.[26]

Citing the number of youths who do not go on to college, the report charged that the administration had ignored a significant section of the population. The blame for this "oversight" was laid at the feet of the administration. "Their apathy and even hostility mitigate against a sound program and must be changed before effective steps can be taken."[27]

Behind this report lay a firm conviction on the part of the Republicans that an expansion of the vocational education program was a necessity. David Teeple, the author of the report, is an ex-teacher from the District of Columbia who has long advocated vocational education.[28] The report was also a political move. The Policy Committee took advantage of an opportunity to show the country that the administration had neglected many youths despite its massive education proposal. The report was intended to show that the Republicans would not allow the administration to neglect these youths.

The report did not have the effect that the Policy Committee intended it to have. When the administration sent up an expanded vocational education program on June 19, *The Forgotten Youth* was lost in the shuffle. It is very doubtful that the report had any effect on the administration; the administration policy-makers gave it only cursory attention.[29] It is difficult to explain why the report was so thoroughly ignored. One probable reason for the lack of attention given to the report was that it was never accepted formally by the Policy Committee.[30] Thus, it was impossible to tell what kind of support the report had behind it.

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[24] Interview with Mobley, *op. cit.*

[25] Interview with Frelinghuysen, *op. cit.*

[26] U.S., Congress, Senate, Republican Policy Committee, *The Forgotten Youth*, 88th Congress, 1st Session, 1963, p. 9.

[27] *Ibid.*, p. 14.

[28] Interview with David Teeple, Staff Director, Republican Policy Committee, Senate, February 26, 1964.

The Stage Is Set

During the period preceding formal action by Congress, the stage was being set. A Presidential Panel studied the problems of vocational education and submitted a series of recommendations. The administration developed a comprehensive education bill which included as Title V-A a proposal for vocational education. The American Vocational Association, unhappy with the administration proposal, developed its own bill and found a champion for it in the person of Carl Perkins. Republicans in both bodies indicated interest in vocational education legislation although not necessarily in the form presented by the administration or the AVA. The stage was set for Congressional action.

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[29] Interviews with Muirhead and Halperin, *op. cit.*
[30] Interview with Teeple, *op. cit.*

CHAPTER THREE

The House Holds Hearings

The House of Representatives was the first to act on education legislation in the 1st Session of the 88th Congress. The House Education and Labor Committee, under the chairmanship of Adam C. Powell, held hearings on HR 3000 from February 4 to 27.[1] The committee, however, never considered seriously reporting HR 3000 in its entirety.

The Omnibus Bill Is Dismantled

There were various compelling reasons for dismantling the bill. First, there was not even a slim chance that the House of Representatives would pass the whole bill. The past history of education legislation in the House made this abundantly clear. Moreover, the House Rules Committee would never have allowed the bill to reach the floor. Therefore, it was necessary to select the portions of the bill thought to have the best chance of passing the House. Second, it would have been difficult for the Education and Labor Committee to handle the bill if it had been kept intact. A great deal of the work, due to the interrelation of the component parts, would have had to have been done in full committee executive sessions. These sessions with all 31 members of the committee present would have been inefficient and unwieldy.[2] Third, Powell was under heavy pressure from both Democrats and Republicans to dismantle the bill so that individual parts of it could be acted upon. Edith Green (Dem.-Ore.) was anxious to begin work on a higher education bill since the higher education bill in the 87th Congress had come so close to passing. Perkins was in a hurry to start hearings on vocational education. John Dent (Dem.-Pa.) wanted to report a bill for the extension of impacted areas aid since the program was to expire on June 30, 1963. The Republicans also wanted the bill broken down. Representative Goodell commented later in hearings on vocational education:

> . . . I think the unwisdom of it is clearly indicated by the fact that the omnibus bill was sent up to our committee as a great big balloon that suddenly began losing its air and it settled right down on top of us all and we have been flailing and struggling ever since to get the darn thing

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[1] February 4, 5, 6, 7, 8, 18, 19, 20, 21, 22, 26 and 27, 1963. U.S., Congress, House, Committee on Education and Labor, *National Education Improvement Act*, 88th Congress, 1st Session, 1963.

[2] Interview with Jack Reed, Professional Staff Member, General Education Subcommittee, House Education and Labor Committee, February 13, 1964.

> off from us so we can separate the few items in those 24 points that can get bipartisan rating as high priority, which we can get through this Congress. . . .[3]

Fourth, since the House is such a large body and since House rules prescribe that a bill may have only one sponsor, the visibility obtained by the sponsorship of a bill is very important for the prestige of the individual representative. With more pieces of legislation there would be more sponsors.[4]

Once the decision to separate the comprehensive bill had been made, it had to be divided up among the three standing subcommittees of the Education and Labor Committee. In the House Education and Labor Committee, this is not a simple procedural matter. There are three education subcommittees: the General (Perkins's), the Special (Mrs. Green's) and the Select (Dent's). They were created by Powell for political, not functional or organizational, purposes. "He followed a novel approach of creating three subcommittees on education and three on labor. . . . but these titles meant nothing."[5] Powell's purpose was to create subcommittees that would be chaired by liberals, originally Roosevelt (Dem.-Calif.), Thompson (Dem.-N.J.) and Mrs. Green. Since the 87th Congress, when the Committee was reorganized, unwritten rules for the division of legislation have appeared. The General Subcommittee usually handles elementary, secondary and vocational education. The Special Subcommittee handles higher education and special education, such as education of the handicapped. The Select Subcommittee is left with the odds and ends. Combining these precedents and the predilections of the subcommittee chairmen, Powell assigned various parts of the omnibus bill to the subcommittees.[6]

General Subcommittee Holds Hearings

The Perkins Subcommittee held 12 days of hearings on HR 4955 and Title V-A of HR 3000.[7] Perkins opened the hearings on March 25 on an optimistic note. "I am encouraged by some indications that this legislation may receive bipartisan support."[8] In the next two hours, during which the testimony of the Commissioner of Education, Francis Keppel, was taken, there was a strong indication of the conflicts that would lead to 15 grueling executive sessions.

Administration Witnesses

Keppel in his testimony emphasized that " . . . the occupational categories in the present statutes are no longer adequate to meet the needs of our rapidly changing labor market."[9] Goodell, a few minutes later, supported the position of the Commissioner. "May I say I heartily approve of your elimination of the occupational categories and putting more flexibility in this, particularly from the viewpoint of the states."[10] From this point on the administration and the Republicans would be tacitly allied against Perkins and the AVA in an attempt to eliminate or modify the occupational categories in existing legislation. The remainder of the Commissioner's testimony was the presentation of data on vocational education.

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[3] *Vocational Education Act of 1963, op. cit.*, pp. 158-159.

[4] Interview with Wolfe, *op. cit.*

[5] George Goodwin, Jr. "Subcommittees," *The American Political Science Review*, LVI (September 1962), 598.

[6] Interview with Wolfe, *op. cit.*

[7] March 25, 26, 27, 29, 1963; April 4, 9, 10, 22, 23, 24, 26 and 30, 1963.

[8] *Vocational Education Act of 1963, op. cit.*, p. 1.

[9] *Ibid.*, p. 68.

On the final day of hearings, April 30, the administration was represented by Wilbur Cohen, Walter Arnold, Reginald Conley and Samuel Halperin, a young congressional liaison officer from the Office of Education. During the course of this session, it became apparent that the administration was willing to recede from its stand in favor of the elimination of the categories and the repeal of George-Barden and accept modification of the categories.[11] Cohen said, "I came up here today . . . to suggest to the committee some modifications of the administration bill that grew out of the constructive suggestions in the hearings and attempt to see if we couldn't move forward in this area."[12] Cohen was not willing to retract HEW's former stand although he did give it more flexibility. He correctly evaluated and gave due consideration to the problem involved in repealing the George-Barden Act.

> The George-Barden Act, like the Smith-Hughes Act, has become . . . . a symbol of the vocational education program. . . . And they [the vocational educators] felt that taking away the George-Barden Act would be like saying we are going to eliminate the U.S. Constitution and start off with a new document.[13]

He further admitted that the administration had made a tactical error by tampering with the George-Barden Act under the assumption that the Smith-Hughes Act was considered to be more of a symbol than the George-Barden Act. The opposite was true, apparently because the George-Barden Act, being larger in scope, affected more vocational educators. Despite this acknowledgment, Cohen stated that the administration was not willing to pour additional funds "into . . . watertight compartments . . . that tend to keep that spigot running at its same velocity."[14]

On the same day, Cohen suggested an addition for the administration bill, the establishment of a national advisory board to periodically review the vocational education program. The establishment of a board, according to Cohen, would insure periodic re-evaluation of the program to prevent vocational education from falling behind the changing economy.[15]

In addition to the representatives from HEW, the administration sent William L. Batt, Jr., Area Redevelopment Act Administrator for the Department of Commerce, and Willard Wirtz, Secretary of Labor, up to the hill to testify before the General Subcommittee.[16] They evaluated the vocational education program from the points of view of their respective departments. Both declined to take any position on the occupational categories, leaving that issue to the Office of Education and HEW. Their presentations were predominantly factual.

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[10] *Ibid.*, p. 151.
[11] *Ibid.*, p. 165.
[12] *Ibid.*, p. 635.
[13] *Ibid.*, p. 675.
[14] *Ibid.*, p. 664.
[15] *Ibid.*, pp. 632-634.
[16] *Ibid.*, pp. 347-366 and 189-230.

AVA Panel

On Wednesday, March 27, an AVA panel, headed by the AVA president, Dr. Milo Peterson of the University of Minnesota, testified before the subcommittee.[17] Dr. Peterson stressed the importance of the present state vocational education boards. "The programs under their administration are so organized as to permit maximum flexibility for adjustment to changing needs and conditions."[18] Repeal of the George-Barden Act, he felt, would disrupt these boards. In his summary, Peterson termed HR 4955 a "good bill."[19] Not *once* in his prepared testimony did Peterson mention Title V-A of the administration bill.

In the middle of the morning, John Brademas (Dem.-Ind.) pressed Peterson on the issue of occupational categories. Dr. Peterson bluntly stated, "If we remove the framework and structure on which we built what we have done, we are inviting chaos and the destruction of vocational education."[20] Frelinghuysen carried the exchange further:

> Mr. Frelinghuysen: Is there anything in Title V of HR 3000 which you favor as compared to the comparable provisions in HR 4955?
> Dr. Peterson: No.[21]

Although Dr. Peterson carried the main load during the testimony, the remaining members of the panel each contributed a written statement, and oral elucidation of the written statement, on his own particular place in the vocational education program and on his evaluation of the needs of vocational education. The panel was representative of a varied group of geographical areas and levels and types of vocational education. Seven other vocational educators and administrators testified in the course of the hearings. Like the AVA panel, they presented information on their own particular states and the problems and needs of vocational education.

Other Witnesses

Three groups whose primary interest is not vocational education also testified. Edgar Fuller appeared on behalf of the Chief State School Officers, an organization of the state superintendents of schools. The main interest of the CSSO is to prevent the enactment of legislation that would result in federal control. The CSSO does not oppose all federal legislation. The brunt of Fuller's testimony was to caution against giving the Commissioner of Education excessive powers. The CSSO stated a preference for HR 4955 rather than Title V-A of HR 3000.[22]

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[17] The Panel included: Dr. Milo Peterson, Department of Agricultural Education, University of Minnesota; Dr. William B. Logan, Professor of Education, Ohio State University; James L. Patton, Assistant Superintendent of Public Instruction, Frankfort, Kentucky; Dr. M. D. Mobley, Executive Secretary, AVA; Dr. Burr D. Coe, Director, Middlesex County Vocational and Technical High School, New Brunswick, N. J.; and, Dr. C. W. Patrick, President, San Diego Junior College, San Diego, California.

[18] *Vocational Education Act of 1963, op. cit.*, p. 243.

[19] *Ibid.*, p. 243.

[20] *Ibid.*, p. 270.

[21] *Ibid.*, p. 272.

William Truitt of the National Farmers Union, representing about 250,000 farm families, also testified in favor of HR 4955. The Union always has been interested in vocational agriculture (vo-ag); consequently, Truitt emphasized the necessity of retaining the existing categories including vo-ag.[23]

Finally, the AFL-CIO was represented by its Washington lobbyist, a former representative, Andrew J. Biemiller. The interest of organized labor in vocational education dates back to 1917 when Samuel Gompers participated in the drafting of the Smith-Hughes Act.[24] The AFL-CIO backed Title V-A rather than HR 4955. "No doubt, federal appropriations for specified categories of occupations have greatly advanced vocational education when and where it was most essential. But that stage of our economy has now passed."[25]

Urban League and NAACP

Representatives of the Urban League and the NAACP also testified. However, their interest in the vocational education bills was different than that of the CSSO, the Farmers Union or the AFL-CIO. The latter three considered vocational education as one of their many interests but were nevertheless interested in vocational education itself. The Urban League and the NAACP were primarily interested in vocational education only as it related to the problem of segregation in the school although they also saw its importance in raising the socio-economic status of the Negro. Otis Finley, Jr., of the Urban League, was quite moderate and did not suggest the attachment of an anti-discrimination rider although he did feel that any language in the bill that might reinforce discrimination in vocational education or in employment after training ought to be eliminated.[26] Clarence Mitchell of the NAACP, on the other hand, bluntly contended, ". . . There certainly ought not to be any money for vocational education going to any community where it is still a practice to have totally separate schools."[27] The relish with which the Republicans on the committee received this testimony served adequate warning that racial discrimination would become an issue in the debate on the House floor.

The Facts Are In

At 12 noon on April 30, the public hearings on HR 4955 and Title V-A of HR 3000 were completed. Administration and interest group witnesses had appeared, stated their positions for public record, presented information on vocational education, and were questioned closely by the representatives on the General Subcommittee. Many of the conflicts which were to appear in executive sessions were indicated in the course of the public hearings. The administration wanted to modify the occupational categories of the George-Barden Act; the AVA wanted to retain the symbolic legislation. Constructive suggestions for periodic review had been discussed. The facts and opinions were in; it was now time for the subcommittee to begin to prepare a bill to be reported to the House of Representatives.

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[22] *Ibid.*, pp. 423-443.
[23] *Ibid.*, pp. 471-476.
[24] *Ibid.*, p. 573.
[25] *Ibid.*, p. 576.
[26] *Ibid.*, pp. 529-534.
[27] *Ibid.*, p. 610.

CHAPTER FOUR

The House Acts

On May 1, 1963, the General Subcommittee on Education of the House Committee on Education and Labor went into executive (mark-up) sessions. During the course of 12 subcommittee and 3 full committee executive sessions, the bill was looked at and evaluated clause by clause. The sessions were grueling and marked by conflict.[1] The conflicts were not over the general objective of the bill for there was unanimous support of vocational education. Rather the division came over parts of the bill. Conflict was so intense and the bill was evaluated in such minute detail that an administration official credited the House Committee with having done "80 per cent of the work on the vocational education bill."[2]

Committee Amendments

The basis of the committee's work was HR 4955, the bill introduced by the chairman of the General Subcommittee, Carl Perkins. There were many changes made in the bill. Some of the changes were of a technical nature and had no effect on the operation of the bill other than to make the language more precise. However, a great number of the changes were major, changes which were made only after long and heated discussions.

Review

From suggestions made during public hearings, extensive provisions for periodic and continued review of the vocational education program were developed. During the public hearings, the Republicans, Brademas, Assistant Secretary Cohen and the AVA had supported review provisions strongly. Three major provisions were added during executive sessions.

First, to insure constant local re-evaluation of the program, four amendments were accepted. Three per cent of the total authorization was earmarked for:

> Ancillary services and activities to assure quality in all vocational education programs, such as in-service teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials and state administration and leadership, *including periodic evaluation of state and local vocational education pro-*

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[1] Interview with Wolfe, *op. cit.*
[2] Interview with Halperin, *op. cit.*

> *grams and services in light of information regarding current and projected manpower needs and job opportunities.*[3]
> (italics added)

The italicized clause was in neither the administration bill nor the original Perkins Bill. Concomitant to this, section 5(a)(2) would require the submission of state plans with:

> . . . Policies and procedures [that would] insure that due consideration will be given to the results of periodic evaluations of state and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities, and to the relative vocational education needs of all groups in all communities in the state. . . .[4]

To insure that the states would have qualified persons to make realistic appraisals of the program, it would be required that state plans:

> . . . If such State Board does not include as members persons familiar with the vocational education needs of management and labor in the state, and a person or persons representative of junior colleges, technical institutes, or other institutions of higher education which provide programs of technical or vocational training meeting the definition of vocational education in section 8(1) of this Act, provides for the designation or creation of a state advisory council which shall include such persons, to consult with the State Board in carrying out the state plan.[5]

This clause was in Title V-A but not in HR 4955 as introduced to the House. To further provide for adjustment to the changing need for vocational education, the committee version of HR 4955 would require that state plans provide "for entering into cooperative arrangements with the system of public employment offices in the state . . ."[6] The parallel sections of Title V-A and the Perkins Bill mentioned only "consultation."

The second major committee amendment for review was provision for an Advisory Committee for Vocational Education to advise the Commissioner of Education on matters of policy and regulation. The committee would be chaired by the Commissioner and composed of representatives from the Departments of Commerce, Agriculture and Labor, and 12 persons:

> . . . Familiar with the administration of state and local vocational education programs, other persons with special knowledge, experience or qualification with respect to vocational education and persons representative of the general public. . . .[7]

The committee would be required to meet at least twice a year.

The third major provision for review was "an Advisory Council on Vocational Education for the purpose of reviewing the administration of the vocational education programs . . . and making recommendations for improvement of such administration. . . ."[8] The composition of the council would be similar to that of the Advisory Committee except that the Departments of Commerce, Agriculture and Labor would not be represented. The first council would be appointed in 1966 and report in 1968. Subsequent studies would be required at least once every five years.

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[3] HR 4955 as reported, section 4(b)(6).
[4] *Ibid.*, section 5(a)(2).
[5] *Ibid.*, section 5(a)(1).
[6] *Ibid.*, section 5(a)(4).
[7] *Ibid.*, section 9(a).
[8] *Ibid.*, section 12(a).

The administration was the main promoter of these changes, having been encouraged by favorable comments on the idea of review during the hearings. These provisions, drafted primarily by HEW lawyers, were supported strongly by the Republicans, many of the Democrats on the committee and the AVA.

Fiscal Amendments

There were a considerable number of changes made in the fiscal aspects of HR 4955. A clause requiring state matching of federal funds after 1964 was added to the bill as a committee amendment.[9] Although the administration bill contained a similar requirement, the Perkins Bill had only required that states not spend less than in fiscal year 1963, a requirement that was in both Title V-A and the committee version of the bill. In reality, this provision is unimportant because the states had far out-matched federal vocational education funds. However, the committee members felt that the clause would prevent the alienation of fiscal conservatives.

The authorization for the first four years of the program was cut nearly in half in committee sessions.[10] The Perkins Bill called for $838 million in new funds for the first four years while the committee version authorized only $450 million. Title V-A authorized $23 million in new funds for fiscal year 1964 and had left the following years unspecified. The figures finally arrived at were compromises between the Democrats and the Republicans on the committee.

Table 1
New Funds Authorized
(in millions)

	HR 3000 Title V-A	HR 4955 (original)	HR 4955 (amended)
FY 1964	$23	$ 73	$ 45
FY 1965	—	175	90
FY 1966	—	250	135
FY 1967	—	340	180
FY 1968+	—	(as necessary)	180

The allotment formula was also altered. The formulas in both the Perkins Bill and the administration bill were based upon the population of the age groups involved and per capita income. The final bill would allot the funds purely on the basis of the age groups involved with no equalization factor based on the per capita income of the state.[11]

The AVA strongly favored the inclusion of per capita income, or the "need" factor. The Republicans and a few of the Democrats, on the other hand, opposed the inclusion of the equalization factor. Their argument was that neither the Smith-Hughes Act nor the George-Barden Act had formulas based on income; therefore, there was no precedent. Both had population formulas based on population groups; for instance, vocational agriculture funds were distributed according to the relative sizes of rural population among the states and trade and industrial education funds according to relative urban populations. The opponents of the equalization formula also argued that the urban states, with their high rates of youth unemployment, needed additional vocational education funds more than the poorer rural states.

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[9] *Ibid.*, section 2.
[10] *Ibid.*, section 2.
[11] *Ibid.*, section 3.

Primarily for fiscal reasons, the two new programs in the Perkins Bill—work-study and student loan insurance—were deleted in executive sessions. These programs had been developed from similar provisions in Title I of HR 3000 (Part B, student loan insurance and Part C, student work-study program). The Republicans objected to the programs as being unwise, untried and too expensive. The AVA, the administration and Perkins favored the ideas but were not bitterly disappointed when they were dropped from the bill.

The Orientation of the Bill

The Republicans succeeded in an attempt to change the orientation of the bill. HR 4955 emphasized the training of youth for "useful" employment. Title V-A used the terminology "useful and remunerative." The Republicans succeeded in changing the phrase to "gainful" employment. The distinction is very subtle but it can be seen in one of the applications of the concept, an application that brought a strong reaction from the AVA.

Section 10(c)(2) of the committee bill specified:

> At least 25 per centum of any amount so allotted (or appropriated) to a state [for home economics education] for each fiscal year beginning after June 30, 1965, may be used only for vocational education to fit persons for gainful employment in occupations involving knowledge and skills in home economics subjects. . . .[12]

The AVA home economists arose in protest against this clause since most girls who receive home economics training have no intention of applying it toward a job. As one senator later retorted, half-humorously, "The House has legislated against the institution of motherhood and the home." The victory for the Republicans was more apparent than real for, as Sar Levitan points out, in 1961, the $8.9 million in federal funds for home economics was matched by $63.7 million in state and local expenditures.[13] Consequently, this restriction affects only a minor portion of the home economics money. However, the provision did emphasize that the purpose of the program was to train youths for jobs and not just useful activity.

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[12] *Ibid.*, section 10(c)(2).

[13] Levitan, *op. cit.*

Transfer of Funds

The Republicans, tacitly allied with the administration, won another victory that was not just symbolic. Section 10 of the committee bill provided for transfer of funds from one occupational category to another upon the request of the State Board and approval by the Commissioner of Education. This applied only to the existing programs since the new funds were unrestricted.[14]

The administration and the Republicans calculated that any attempt to repeal the Smith-Hughes or George-Barden Acts would invite a rebellion from the AVA. Therefore, the transfer clause was added. Mobley was able to tell his people that the symbolic acts had not been repealed; however, the transfer provision opened wide loopholes in the categories.

Republican Failures

Although the Republicans managed to get many of the provisions they pushed for in executive sessions, they failed on three. In both subcommittee and full committee, Alphonzo Bell (Rep.-Calif.) offered an anti-discrimination amendment. Despite unanimous Republican support, the amendment was defeated both times. The Republicans also failed to get the committee to accept the idea of a national demonstration school in the District of Columbia. Finally, the Republicans felt that the authorization was still too high but they could not get the support necessary to reduce it.[15]

Republican Domination

It is apparent from the results of the executive sessions that the Republicans nearly dominated the committee. The Democrats on the subcommittee outnumber the Republicans 7 to 5 (including Chairman Powell and Ranking Minority Member Frelinghuysen) and on full committee, 19 to 12. The Republicans were able to pick up the two votes on subcommittee and the four votes in full committee necessary to dominate the sessions. Given the reputation of the "conservative" coalition in the House, the natural explanation would be a coalition between the Republicans and the southern Democrats. However, there is only one southern Democrat on the General Subcommittee (Scott, N.C.) and there are only three on the full Education and Labor Committee (Scott, Gibbons of Florida and Landrum of Georgia). Moreover, all three usually supported Perkins during executive sessions. The explanation of the Republican domination lies rather with the virtual unanimity of the Republicans and the shifting coalitions among the Democrats.

Republican Unanimity

The Republicans on the House Education and Labor Committee are liberal, proud and active congressmen. The basis for the unanimity shown by the Republicans during executive sessions is ideological agreement reinforced by resentment of the Democrats on the committee that dates back to the 1st Session of the 87th Congress, the time when Powell took over the chairmanship of the committee. Representative Goodell describes this period as negative and fruitless, accented by partisanship, "arrogance and self-centeredness on the part of the Democrats." Powell, the Republicans feel, went out of his way to abuse the Republicans. In 1963, a turning point was reached and the 88th Congress started off in a spirit of respectful disagreement. The Republicans maintain that they now attempt to cooperate according to the merits of the issue.[16] However, resentment of earlier treatment shows through and tends to unite the Republicans in opposition to the Democrats.

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[14] Section 10, *op. cit.*

[15] Interview with Frelinghuysen, *op. cit.*

Sources of Republican Power

The basis of Republican power is that liberal Republican support is essential for the passage of education legislation. Since the Republicans of the Education and Labor Committee are not only representative of the liberal segment of the Republican Party in the House but are floor leaders on education bills, the support of the Republicans in committee is a very good indication that Republicans will support a bill on the floor. If the Republicans in the committee oppose a bill, it can be predicted with reasonable assurance that the Republicans on the floor will combine with conservative Democrats to defeat the bill.[17]

The Republicans on the Education and Labor Committee are also interested and well-versed in education legislation. This augments the influence derived from the importance of their votes. "The swiftest avenue to influence in the House . . . has long been to specialize in some area of legislation."[18] Many of the Democrats on the committee respect and listen to the Republicans because of their competence in education.[19]

Democratic Disunity

Because of the split that existed among the Democrats during executive sessions, the power of the Republicans was adequate to dominate the sessions. Three different factors split the Democrats. In each case, enough Democrats joined the Republicans to give them a majority. The first was the tacit alliance between the administration and the Republicans. The Republicans, during all 15 executive sessions, admittedly were moving back toward the administration position as expressed in Title V-A, in terms of periodic and continued review and George-Barden occupational categories.[20] In the words of an administration official, "The Republicans were the best friends of the Office of Education during executive sessions."[21] The result was that on points of conflict between the administration and the AVA, represented by Perkins, the Democrats had a choice between an alternative presented by the

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[16] Interview with Charles Goodell, Representative from New York, U.S. House of Representatives, February 27, 1964.

[17] Interviews with Reed and Wolfe, *op. cit.*

[18] Neil MacNeil, *Forge of Democracy.* (New York: David McKay Co., 1963), p. 129.

[19] Interviews with Halperin, Wolfe and Muirhead, *op. cit.*

[20] Interview with Frelinghuysen, *op. cit.*

[21] Interview with Halperin, *op. cit.*

Democratic administration or an alternative supported by the Democratic chairman. Perkins lost one of his most effective tools, the influence of the administration, for binding the Democrats together.

Perkins's efforts to get majority support for his position was further hindered by a second factor. Some of the Democrats set a much higher priority on the higher education bill (HR 6143) than the vocational education bill. Republican support of HR 8900 was one of the main reasons why that bill had passed the House in the 87th Congress. Consequently, the Republicans were "courted" by a segment of the Democrats. In the words of one discouraged observer, "They were trying to play the same football game over again."[22] Since the Republicans also set a higher priority on the higher education bill,[23] they could parlay the situation to their own advantage by remaining adamant on the vocational education bill.

The third, and most important, factor that split the Democrats was disagreement on the issues. A minority of the Democrats, often a different minority, agreed with the Republicans on many issues. This was particularly important in the fight over the allotment formula. "Congresswoman Green and other House members contend that the cities are presently the areas of greatest need; that migration out of the rural South has placed a great burden on the cities and has strained their educational systems."[24]

The Bill Is Reported

On June 18, HR 4955 was reported:

> The Committee on Education and Labor, to whom was referred the bill (HR 4955) to strengthen and improve the quality of vocational education and to expand the vocational opportunities in the nation, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.[25]

Rules Committee

Rules Committee created no problem for HR 4955. The key members of the Rules Committee, despite their conservative attitudes, were sympathetic to the cause of vocational education. Carl Elliott (Dem.-Ala.), an influential member of the Rules Committee, strongly supported the bill. Moreover, the AVA, via a group of friends in Virginia, had the ear of Judge Smith.[26] The Judge in floor debate on the bill said, "I am usually opposed to federal aid to education. . . ." He went on to say that there was a "lot of gobbledegook" in the bill that he considered a waste of money; nevertheless, he voted for the bill.[27] With the support of Smith, Elliott and most of the Republicans, HR 4955 had little trouble clearing the Rules Committee. On August 1, HR 4955 was given an open rule, permitting amendments to any portion of the bill, with a three-hour limit on the floor debate.[28]

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[22] Interview with ...., February 1964.

[23] Interview with Charles Radcliffe, Minority Staff Member, House Education and Labor Committee, February 24, 1964.

[24] Yvonne Franklin, "GOP Solon Charges Sen. Morse With 'Blackmail' Over Education Bills," *The Sunday Oregonian*, December 8, 1963.

[25] U.S., Congress, House, Committee on Education and Labor, *Vocational Education Act of 1963*, 88th Congress, 1st Session, 1963, H. Rep. 393 to accompany HR 4955, p. 1.

[26] Interview with Mobley, *op. cit.*

[27] U.S., Congress, *Congressional Record*, 88th Congress, 1st Session, 1963, pp. 13465-13466.

Floor Debate

On August 6, 1963, HR 4955 was brought to the floor of the House of Representatives for debate. From the outset, it was clear that neither the Democrats nor the Republicans would try to reverse any of the decisions made in executive sessions with the exception of one. That issue was to be racial discrimination in vocational education. Bipartisan support of the substance of the bill was assured with Halleck's comment, "I want to say at the outset that I am for this bill."[29] The Democrats feared the injection of the race issue. Carl Elliott, even before formal debate began, pleaded, "I hope that no member will kill or jeopardize the life of this bill by offering the so-called Powell Amendment. . . ."[30]

For the Republicans, the issue was a simple matter of principle. In the words of William Avery (Rep.-Kan.), "Either a civil rights provision is right or it is wrong."[31] The Republicans contended that the testimony of the NAACP during public hearings and the findings of the Commission on Civil Rights conclusively proved that discrimination exists in federally supported vocational education programs. They further argued that any segregated program is wrong but that the problem was even more acute in vocational education since vocational education is a necessity for raising the socioeconomic status of the Negro.

The Democrats countered that the anti-discrimination rider would kill the bill. They argued that a bill with a civil rights rider would probably be defeated right on the floor of the House, if not there, in the Senate or in the Rules Committee should a conference be required. Furthermore, the Democrats contended that there was no point in burdening a specific bill with a civil rights rider when the President's civil rights bill was pending in the House Judiciary Committee. Emanuel Celler (Dem.-N.Y.), chairman of the committee, assured the House that, while he could not speak for his whole committee, he personally would be pleased "to entertain a motion to include and add to the omnibus civil rights bill the import and even the language of the amendment. . . ."[32]

Charges of hypocrisy rang from both sides of the aisle. The Republicans accused the Democrats of duplicity on the issue of civil rights for, the Republicans contended, if the Democrats felt that they could pass a massive civil rights bill then why did they feel that a simple anti-discrimination rider would defeat a bill as popular as HR 4955. The Democrats, on the other hand, flayed the Republicans with the charge that they were trying to kill the bill while purporting to support it.

The Vote

When the vote was taken, the Republicans lost. Bell's amendment was defeated in a teller vote by a margin of 146 to 194.[33] Since Bell's amendment was defeated on a teller vote without "ayes" and "nays," M. G. Snyder (Rep.-Ky.) moved to recommit the bill to the Education and Labor Committee with instructions to add the Bell amendment. Mr. Snyder demanded the "ayes" and "nays."

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[28] H. Res. 469.
[29] U.S., Congress, *Congressional Record*, 88th Congress, 1st Session, 1963, p. 13477.
[30] *Ibid.*, p. 13464.
[31] *Ibid.*, p. 13467.
[32] *Ibid.*, p. 13497.

When the roll call vote was taken on the motion to recommit with instructions to add the Bell amendment, the Republicans lost 181-217. The vote was strictly party line with 158 Republicans voting for the motion and only 6 against it; 23 Democrats voted for the motion and 211 voted against it.[34] The question on the passage of the bill carried easily, 377 to 21, with only 9 Republicans and 12 Democrats voting against the bill.[35]

Although it is impossible to be sure, it appears that the Republicans were not trying to kill the bill. Only nine Republicans voted against final passage even though the anti-discrimination rider was not attached. Moreover, in light of the amount of work done by the Republicans during executive sessions, it is difficult to believe that the Republicans would have had such intentions. Two of the Democrats on the committee did not believe that the Republicans had such intentions. Both Edith Green and Adam Powell voted for the motion to recommit. Powell said, during debate, that even with a civil rights rider on it, "I do not see why it or any other legislation cannot come out. . . . So let no one say that he [Bell] is insincere."[36] Powell's natural inclination is to support such amendments, nicknamed the Powell Amendment. Nevertheless, the votes of Mrs. Green and Powell indicated that the Democrats were either not sure that the amendment would kill the bill or not sure that the Republicans were actually trying to kill the bill.

The Republicans undoubtedly did have ulterior motives; they wanted to embarrass the Democrats on the divisive issue of civil rights. The Republicans probably were looking forward to 1964 and the elections. Both Frelinghuysen and Goodell later commented that they had not expected the anti-discrimination rider to pass but felt that they had hit the Democrats in a weak spot.[37]

Just as difficult is the question of whether the Bell amendment would have killed the bill. It would not have died on the floor. Had the Republicans voted for the bill with the rider, then their votes would have been adequate to overcome the votes of the southern Democrats. It is highly unlikely that the Republicans would have joined the southern Democrats to defeat the bill for that would have left them open to extreme criticism. However, the bill might have died in the Rules Committee if a conference had been required. The Rules Committee in 1960 refused to allow conference on the general school aid bill to which a Powell Amendment had been attached during floor debate. Nevertheless, it is impossible to be sure.

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[33] *Ibid.*, p. 13504. Bell's amendment reads, in part: ". . . after June 30, 1965, any program assisted with funds appropriated under this Act shall be operated, and students admitted, thereto, on a racially nondiscriminatory basis."

[34] *Ibid.*, p. 13506.

[35] *Ibid.*, p. 13507.

[36] *Ibid.*, p. 13503.

[37] Interviews with Frelinghuysen and Goodell, *op. cit.*

CHAPTER FIVE

The Senate Holds Hearings

On April 29, 1963, the Senate Subcommittee on Education of the Committee on Labor and Public Welfare began hearings on S. 580 (the Senate version of HR 3000). Senator Wayne Morse (Dem.-Oreg.) opened the hearings with the statement:

> The hearings on the comprehensive education bill which President Kennedy has asked that the Congress consider are opened with the conviction on the part of the chairman of the subcommittee that education legislation is both morally right and politically possible.[1]

Morse immediately announced that he planned to hold extensive hearings covering all 24 provisions of the omnibus bill. The omnibus bill during the hearings was to be held intact and no decision would be made "about the number of the packages or the legislative wrapping paper in which they come."[2]

Omnibus Kept Intact

There were several considerations that led the senior senator from Oregon to this decision. First, the omnibus approach was not a totally unrealistic approach for the Senate to take. Unlike the House of Representatives, the Senate might accept an education bill with 24 major provisions.

Second, members of the Education Subcommittee did not object strenuously to the decision to keep the bill in one package as had the members of the House committee. A few of the senators had specific education programs which they were particularly interested in—Ralph Yarborough (Dem.-Tex.) was interested in a scholarship bill, Pat McNamara (Dem.-Mich.) wanted a general elementary and secondary school bill and Jacob Javits (Rep.-N.Y.) desired a higher education bill. However, there was no strong demand from the senators for dismantling the bill and setting a priority. All of the Democrats on the subcommittee, plus Javits, wanted to maximize the amount of education legislation enacted in the 88th Congress and were not worried particularly about what kind of legislation came first. Barry Goldwater (Rep.-Ariz.) would oppose almost every piece of education legislation; consequently, the form in which they were proposed mattered little to him. Winston Prouty (Rep.-Vermont), the remaining Republican on the subcommittee, did not protest Morse's decision. Although he would not support every provision in the comprehensive bill, he was willing to look at each:

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[1] *Education Legislation—1963, op. cit.*, p. 1.
[2] *Ibid.*, p. 3.

> There is no item which perhaps does not have something to be said in its behalf. The questions are: are the proposals all equal in merit, and must they, as the President says, be taken all together? These questions must be asked, not in opposition to the idea of doing something for education, but rather precisely out of one's concern to do the right things in the right order.[3]

Third, in the Senate, there is not the need for visibility that exists in the House of Representatives. Being a member of a smaller body, a senator is less likely to be lost in the shuffle. Moreover, since Senate regulations allow co-sponsors on bills, the signature of every Democratic senator on the Education Subcommittee, with the exception of Lister Hill of Alabama, was affixed to S. 580.

Fourth, the Senate found it to its own advantage to watch the House to see what would happen since it is more difficult to get education legislation through the House than the Senate. By waiting for the House to act first, the Senate might have the opportunity of taking House-passed bills, adding to them substantially and returning from conference with a bigger bill. The Senate amendments could include provisions for new programs as well as increased authorizations.

Fifth, Morse hoped that action on education legislation could be held off until after civil rights had been dealt with in the Senate. In this way, the race issue could be avoided. However, action on civil rights was delayed so long that this strategy was abandoned.

Finally, unlike the House Education and Labor Committee, the Senate Labor and Public Welfare Committee could handle the comprehensive bill efficiently. There is only one Senate Education Subcommittee; moreover, even if it were decided to bring the omnibus bill before the full committee, the size of that committee, 15, would not make efficient executive sessions impossible.

Senate Hearings

Altogether 17 days of hearings, from April 29 to June 27, were held before the Education Subcommittee.[4] The hearings record is a massive compilation of 4,429 pages in seven volumes. During the course of the hearings, testimony and statements were rendered on almost every conceivable facet of education.

The public hearings on the comprehensive bill helped to prevent the infighting that the administration feared. Since the bill was kept intact during the hearings and not divided formally until September, the groups left out of the House priority system could come to the Senate with their case. Moreover, since the hearings were held on the entire comprehensive bill, most of the groups who testified felt it incumbent upon themselves to support the bill as a whole. However, this is only part of the reason why the infighting never occurred. Most of the interest groups, notably the NEA, who had been involved in the conflict over HR 8900 had decided that intergroup conflict did not pay because it alienated too many legislators and potential supporters of education legislation.[5]

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[3] *Ibid.*, p. 207.

[4] April 29 and 30; May 1, 14, 15, 16, 17, 27, 28, 29; June 10, 11, 12, 13, 14, 25 and 27, 1963.

AVA Testimony

Dr. Mobley appeared on June 11 with a panel composed of the same people who had appeared before the House General Subcommittee plus one addition. Miss Catherine T. Dennis, North Carolina's State Supervisor of Home Economics, testified, strongly protesting the House restriction of 25 per cent of the federal funds for home economics to training for gainful employment.[6] Emphasizing the importance of training girls for home and motherhood as well as for a job, Miss Dennis received a promise from Morse, whose wife is a former home economics teacher, "We will meet with the House in conference on the point if they make the bad mistake in judgment of passing legislation in that form."[7]

The position of the AVA was somewhat altered when it came before the Senate. Since the House Education and Labor Committee had reported HR 4955, the AVA already had much of what it wanted. The AVA was confident that HR 4955 would pass the House. Consequently, the AVA attempted to persuade the Senate subcommittee to make certain changes in the House bill. However, the AVA had accepted the fact that the George Barden and Smith-Hughes Acts would not emerge unscathed. Peterson defined the new position of the AVA:

> Specifically, we are opposed to the elimination and replacement of the George-Barden Act, as provided for in Title V of S. 580. We are not opposed to certain minor amendments to the George-Barden Act nor to the Smith-Hughes Act.[8]

The association indicated a definite preference for HR 4955 over Title V-A but pressed for changes in the House bill such as the allotment formula, the restrictions on home economics and the authorization level.

June 19 Proposal

The outlook for vocational education legislation changed drastically when, on June 19, President Kennedy sent his civil rights proposal to Congress. Among his other recommendations, the President requested "certain legislative and budget amendments designed to improve the training, skills and economic opportunities of the economically distressed and discontented, white and Negro alike."[9] Among the requests were:

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[5] Interview with ...., February 1964.

[6] *Education Legislation—1963*, *op. cit.*, pp. 2126-2132.

[7] *Ibid.*, p. 2130.

[8] *Ibid.*, p. 2074.

[9] U.S., Congress, *Congressional Record*, 88th Congress, 1st Session, 1963, p. 11175.

> (C) That the pending vocational education amendments, which would greatly update and expand this program of teaching job skills to those in school, be strengthened by the appropriation of additional funds, with some of the added money earmarked for those areas with a high incidence of school dropouts and youth unemployment and by the addition of a new program of demonstration youth training projects to be conducted in these areas:
>
> (D) That the vocational education program be further amended to provide a work-study program for youth of high school age, with federal funds helping their school or other local public agency employ them part time in order to enable and encourage them to complete their training;[10]

Provisions of the New Proposal

The new proposal, introduced in the Senate by Senator Morse as an amendment to S. 580, was an expanded version of HR 4955. It differed from the HR 4955 in six ways. First, the authorization was significantly increased, although not to the level of the Perkins Bill.[11]

Table II
Appropriations Authorized
(in millions)

	S. 580 Amendment	HR 4955 (Original)	HR 4955 (Reported)
FY 1964	$108	$ 73	$ 45
FY 1965	153	175	90
FY 1966	198	250	135
FY 1967	243	340	180
FY 1968+	243	(as necessary)	180

Second, the equalization factor was reintroduced into the allotment formula.[12] Third, the amendment raised the percentage of the funds appropriated under section two used "to pay part of the cost of research and leadership training programs and of experimental, developmental, or pilot programs . . . designed to meet the special vocational education needs of youth. . . ." from 5 per cent to 15 per cent.[13] Fourth, an additional $15 million for fiscal year 1964 was authorized for the construction, maintenance and operation of residential vocational schools.[14] This new demonstration program was an expansion of the suggestion of the House Republicans that a demonstration school be built in the District of Columbia. Fifth, the percentage of funds to be used for building area vocational schools was raised from 25 per cent to 40 per cent for the first five years of the program.[15] Sixth, the proposal reincorporated the work-study program with an authorization of $50 million for fiscal year 1964.[16]

In addition, the Title V-A substitute reoriented the vocational education program. The expansion was intended to give additional aid to youths who lived in slum areas or communities having substantial numbers of youths who have dropped out of school or are unemployed. The substitute retained all other provisions of HR 4955 as it was reported to the House including the provisions for transfer of funds between occupational categories, periodic and continued review, and emphasis on gainful employment (including the restriction of home economics funds).

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[10] *Ibid.*, p. 11177.
[11] Section 2.
[12] Section 3(a).
[13] Section 4(c).
[14] Section 4(d).
[15] Section 4(b).
[16] Section 13.

Reason for the Substitute

The explanation of the administration's decision to introduce an expanded vocational education program with the civil rights proposal is simple. The administration felt that the civil rights conflict provided an opportunity to help education. Since the problem of the Negro in the United States is partially an economic problem and since education is one of the ways to improve the Negro's economic status, the administration felt that the addition of a vocational education proposal to the civil rights program would not be awkward. The administration also calculated that linking vocational education to civil rights would not frighten southern legislators but that they would accept vocational education as the "moderate" way to help the Negro. Moreover, the administration felt that the strong tradition of vo-ag in the South would insure southern support.[17]

The Keppel Testimony

On Tuesday, June 25, Commissioner of Education Francis Keppel appeared before the Senate Education Subcommittee and testified almost exclusively on the Title V-A substitute. The Commissioner pointed out to the subcommittee members the relation between vocational education and the socio-economic problems of the Negro.[18] Keppel received an immediate, positive response from Morse, "We white people have got to stop being so apathetic about this problem. We must realize that we can't sweep it under the social rug."[19] Morse went on to indicate strong support for the administration expansion of its original vocational education proposal.

AVA Reaction

The June 19 proposal changed the circumstances surrounding the vocational education bills. Since the proposal was announced after the Education and Labor Committee had reported HR 4955, the Senate was left in sole possession of the substitute. With Morse's consent, Charles Lee, professional staff member of the Education Subcommittee, began to work on the premise that the administration substitute would be the basis for subcommittee action. The AVA, with only a few reservations, was delighted with the new proposal, so Mobley indicated to Lee that the AVA liked the administration substitute.

The conversations between Lee and Mobley culminated in the preparation of a memorandum in early September, just prior to the executive sessions of the Education Subcommittee.[20] The AVA recommended changes in the terminology of the bill to insure that existing practices, such as the preservice training of teachers, would not be excluded under the new law. On the question of the percentages earmarked for area vocational schools and research grants, the AVA remained neutral. Both of the new programs, work-study and residential vocational schools, were supported by the AVA, although not strongly. The AVA strongly supported the increased authorization and the inclusion of the equalization factor. In each of these instances, the preference was for the administration substitute rather than the House bill.

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[17] Interviews with Muirhead and Halperin, *op. cit.*

[18] *Education Legislation—1963, op. cit.*, pp. 2348-2367.

[19] *Ibid.*, p. 2511.

[20] Education Subcommittee Files.

The AVA once again strongly objected to the clause on home economics. In addition, the association recommended a change in the definition of area vocational schools. Upon consultation with AVA members in several states, Mobley discovered that the definition of an area school—the same in both of the bills—ruled out of consideration large segments of vocational education programs. Among the states that were affected in this way were New Jersey and California.

Senate Strategy

During the period between the end of public hearings and executive sessions, discussions that had begun early in the session were continued between Lee, administration officials and representatives of the various interest groups, including the AVA. The topic of these discussions was the best way to enact a maximum of education legislation.

Various possibilities were considered. The general conclusion was that a combination of proposals into one bill would be the most feasible. The possibility of enacting the entire comprehensive bill was ruled out early because of the impossibility of getting it through the House. Higher education (HR 6143) which had been reported by the House committee on May 21 and passed the House on August 14 was thought best left alone since the higher education bill of the 87th Congress had ended up in a conference deadlock. Therefore, to avoid complications, it was decided that HR 6143 should not be encumbered by other programs.

There were other pieces of legislation that could have been combined into one bill. Vocational education, having passed the House by a wide margin, was put on the top of the list. Extension of PL 815 and PL 874 also was given high priority since the House bill for the extension of these programs was stuck in House Rules Committee with an anti-discrimination rider. In addition, extension of the Library Services Act, or the National Defense Education Act or an adult literacy bill (Title VI-B of S. 580) was considered. Scholarships, to which the House was adamantly opposed, and general aid to elementary and secondary education, which would bring the House's "conservative" coalition into action, were ruled out.

Top Level Approval

In late summer, the key senators, top officials from HEW and the Office of Education and interest group leaders met to confirm and further develop the possibilities. They left instructions for Lee and HEW lawyers to draft a four-part bill which Senator Morse would present to the Education Subcommittee.

Executive sessions had been scheduled tentatively for late August but due to conflicts in the schedules of various senators, a suitable time could not be found. Finally, September 10 was decided upon as the date for the first executive session.

CHAPTER SIX

The Senate Acts

On September 10, 1963, the Education Subcommittee of the Senate Committee on Labor and Public Welfare met. Chairman Morse presented to the subcommittee for consideration a four-part, draft bill.[1] The minor omnibus, or "minibus" bill, was presented as a substitute for HR 4955 because it would avoid the necessity of action by the House Education and Labor Committee and debate on the House floor. Rules Committee could not be bypassed since a rule would be required for conference.

Subcommittee Meetings

The Senate version of HR 4955 which Morse presented for the consideration of the subcommittee contained four parts. Part A was the administration substitute for Title V-A; Part B, a three-year extension of NDEA; Part C, a three-year extension of impacted areas aid; and, Part D, an expansion of the Library Services Act (S. 580, Title VI-C, public community libraries).

Part A

Part A of the Senate version of HR 4955, as proposed by Senator Morse, included the equalization formula, increased authorization, work-study program, residential schools program, 15 per cent reservation for special project grants and 40 per cent reservation for area schools.

In addition, all of the major recommendations made by the AVA were included in the draft bill. The requirement that 25 per cent of the home economics funds be for job-related training was deleted. Language changes developed by the AVA and the Office of Education were inserted to insure that national leadership training for teachers and pre-service training for teachers would not be excluded by the bill. Finally, a new definition of area schools was added.

Part B

Part B was a three-year extension of NDEA with amendments. Other than technical amendments, Morse suggested that the subcommittee consider an increase in the authorization for the student loan program and an increase in the institutional ceiling, an extension of the student loan program forgiveness and institute stipends to teachers in private, nonprofit schools, an amendment to allow the purchase of test-grading and other audio-visual materials with NDEA funds, and an extension of the guidance and counseling program to the seventh and eighth grades. The basic reason for the extension of NDEA, although it did not expire until 1964, was the difficulty colleges and universities were having meeting requests for student loans. The institutions of higher learning had requested an early extension to facilitate planning. Moreover, the limit to the amount of money one institution may loan, $250,000, and the inadequacy of the existing appropriation were forcing the schools to turn down a large number of requests for NDEA loans.

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[1] Print of proposed legislation used for committee purposes and showing suggested changes.

Morse explained that Part B was a limited expansion of NDEA designed to be non-controversial in order to avoid conflict with the House in conference. Any major expansion of NDEA would anger Mrs. Green and the other House members who were planning extensive revision of NDEA for the second session.[2] Morse, therefore, cautioned the subcommittee members to give close attention to the provisions of Part B to avoid any controversy.

The loan forgiveness feature was similar to a bill (S. 3326) which had been sponsored by Prouty and had passed the Senate in May 1962. Since loan forgiveness, due to its similarity to scholarships, disturbs House members, Morse suggested that the subcommittee consider the alternative of reporting the provision as a separate bill. The equipment language, pressed for by the National Audio-Visual Association and advocated by Senator Hill, was considered by Morse to be a minor change; moreover, it had passed the Senate in the 87th Congress as a separate bill (S. 3760).

The NDEA guidance and counseling program is one of the most popular provisions of the NDEA. During the course of the hearings, many requests were received suggesting extension of the program from just high school to the elementary school through college levels. Morse, however, suggested that the extension of the popular program be limited to the seventh and eighth grades. Upon the request of Goldwater, the draft bill also included language to preclude the use of testing funds for certain types of clinical psychiatric and personality tests. Morse pointed out that the Office of Education considered the Goldwater amendment dilatory since such a regulation already existed.[3]

Part C

Part C was the locomotive intended to push the bill through Congress. Since the temporary provisions of PL 815 and PL 874 expired on June 30, 1963, there was heavy pressure from the school superintendents in impacted districts for extension. Since the House bill was blocked in Rules Committee with an anti-discrimination rider, Morse suggested adding Part C to give HR 4955 added push. It was intended to carry Part B which the House might be reluctant to accept. Moreover, since the Senate in the past often had passed an impacted areas aid extension with a provision for the inclusion of the District of Columbia, Morse suggested that this be added, also. If nothing else, it could be used as a bargaining point in conference.

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[2] Mrs. Green, who was holding hearings on the NDEA when she learned of the Senate plans, adjourned the day's hearing with the disgusted remark, "What can I do?" Interview with ...., February 1964.

[3] Report submitted to the subcommittee by the Office of Education, from the files of the Senate Education Subcommittee.

Part D

Part D was Title VI-C of the comprehensive bill, an expansion of the Library Services Act of 1956. Title VI-C removed the rural restriction from the Act; in existing law the operation of the Act was limited to communities of under 10,000 people. Besides removing the rural restriction, Part D would authorize an additional $17.5 million for library services and $20 million for a new program of library construction. Morse recommended that the subcommittee decide whether Part D would pose an insuperable barrier to conference. The House committee also had reported a library bill; however, six Republicans had refused to sign the report.

General Strategy

For general strategy, Morse suggested that the expanded vocational education bill be taken all the way through the Senate and conference before taking action on HR 6143 which had been referred to the committee on August 15. He felt that there was the possibility of deadlock in the conference on the higher education bill over aid to private and parochial schools. Therefore, he concluded, it would be best to insure that the vocational education bill not get into the tangle.

The administration and the House had envisioned a different strategy. Both felt that the vocational education bill had enough support to go through by itself. Consequently, they felt it best that any difficulties on the higher education bill should be cleared up before moving on vocational education. The House committee members, in addition, were anxious to get the higher education bill enacted since they put such high priority on that bill.[4]

Subcommittee Procedure

Morse recommended that the subcommittee not make any final decisions on the bill but rather discuss it thoroughly and leave final decisions for full committee executive sessions. The subcommittee adopted this procedure and discussed the bill during meetings on September 11 and 12.

The main objection to the plan outlined by Morse came from Joseph Clark (Dem.-Pa.). Clark felt that the committee ought to report the entire comprehensive bill in order to bring all of the issues before the Senate. He contended that the bill could be passed. Morse, casting an eye toward the House, countered that the strategy he had outlined was aimed at maximizing the amount of education legislation. As he explained to the press after the session on the twelfth, "I intend to bring every provision of S. 580 before the Senate during the 88th Congress." The order in which the provisions would be reported and the timing of the parts reported under this "installment" plan would vary according to the circumstances.[5]

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[4] Interviews with Muirhead and Halperin, *op. cit.*
[5] Senator Wayne Morse, Press Conference, September 12, 1963.

Full Committee Meeting

On September 25, 1963, the Labor and Public Welfare Committee met in executive session to consider HR 4955, as amended and approved by the Education Subcommittee. The full committee ordered reported HR 4955, with three component parts, and three other bills.

HR 4955, Part A

Part A was ordered reported just as Senator Morse had presented it to the subcommittee with one exception. The definition of area vocational schools which had bothered the AVA also bothered Prouty. He had discovered that many of the area schools already operating in Vermont would be excluded from coverage under the new legislation. Consequently, Morse and Prouty ordered Lee and Thomas Hayes, Prouty's legislative assistant, to work out a suitable definition with the Office of Education and the AVA. This was done and the definition was presented to and subsequently accepted by the committee.

HR 4955, Parts B and C

Most of the provisions presented by Morse to the subcommittee in draft form were accepted in full committee. The authorization for the student loan program of Title II, NDEA, was raised from $90 million to $125 million for fiscal year 1964, $135 million for fiscal year 1965, $145 million for fiscal year 1966, and $150 million for fiscal year 1967. According to the Office of Education calculations presented to the committee, the increased authorization would set the loan program on a self-sustaining basis. The institutional loan ceiling was raised to $800,000 from $250,000 to allow institutions to meet requests for student loans. Title III, NDEA, was amended to include the purchase of test-grading and audio-visual equipment. The guidance and counseling program of Title V-A, NDEA, was expanded to include the seventh and eighth grades with an increase in the authorization of $2.5 million to make a total of $17.5 million; moreover, the guidance institutes of Title VI, NDEA, were expanded to include the seventh and eighth grades. In addition, various "housekeeping" amendments suggested by the Office of Education were accepted along with the Goldwater amendment. Finally, the whole program was extended for three years.

Part C of HR 4955 was accepted as presented. Impacted areas aid was extended for three years and the laws amended to include the District of Columbia. Clark, who does not particularly like the program, was irritated by the fact that the program had to be added as a locomotive for purposes of convincing the House to take the bill. However, he accepted it even though he would have preferred a shorter extension.

S. 569 and S. 2265

Since the objective in part was to keep the extension of NDEA as noncontroversial as possible. the committee, with Prouty's consent, decided to report the forgiveness feature out as a separate bill. Prouty already had introduced such a bill, S. 569, so the committee reported that bill.[6] It would not only extend the loan forgiveness features of Title II, NDEA, to teachers in private, nonprofit schools, but extend the stipend in the Title VI, NDEA institutes program to the same teachers. Teachers in higher education also would be included.[7]

Part D of the draft bill also was reported in a separate bill, later given the number S. 2265.[8] The committee decided that the bill might cause a bottleneck in conference. A representative of the American Library Association indicated that the ALA was not disappointed in this decision. The ALA had rounded up adequate support to get the bill through the House; however, the proponents of the bill in the House were merely biding their time until HR 4955 and HR 6143 were cleared out of the way.[9] The bill reported by the Senate committee was identical to the bill reported by the House committee (HR 4879) that was in Rules Committee at the time of the Senate executive sessions.[10]

HR 6143

The decision to report HR 6143 was a reversal of Senator Morse's earlier suggestion. However, during the interim between the subcommittee meetings and the full committee meeting, Morse had changed his mind. The administration had been prodding him to report the bill. Moreover, it was becoming apparent that the House would not touch HR 4955 unless there was some assurance that an agreement could be reached on HR 6143. Moreover, there were strong indications that the Rules Committee would not grant a rule for conference on HR 4955 until HR 6143 was ready to go to conference. James Delaney (Dem.-N.Y.), the Rules Committee defender of the proposition that public and private schools should be treated alike, was opposed adamantly to granting a conference rule on HR 4955 until HR 6143 was ready for conference. The Labor and Public Welfare Committee, therefore, adopted the strategy that both bills should be reported, debated on the floor, passed and reach conference at nearly the same time.

The Senate committee substituted Titles I and III of S. 500 for the House version of the bill. S. 500 had been introduced by Javits and was virtually the same as the conference agreement on HR 8900 that had been recommitted by the House in the 87th Congress. The Title II scholarship provision was omitted from the Senate bill. The key difference between the House and Senate versions of HR 6143 was the type of grant given. Grants for academic facilities in the House version were general grants not restricted to any particular use. The grants were given, without distinction, to both private and public institutions of higher learning. The Senate version, on the other hand, restricted the grants, to both private and public schools, for constructing academic facilities designed for and to be used only for instruction or research in the natural or physical sciences, or engineering, or for use as a library.

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[6] U.S., Congress, Senate, Committee on Labor and Public Welfare, *Amending the National Defense Education Act of 1958 in Order to Extend the Provisions of Title II Relating to Cancellation of Loans Under Such Title to Teachers in Private, Nonprofit Elementary and Secondary Schools and in Institutions of Higher Education*, 88th Congress, 1st Session, 1963, S. Rep. 590 to accompany S. 569.

[7] S. 569 passed the Senate on October 24, 1963.

[8] U.S., Congress, Senate, Committee on Labor and Public Welfare, *Amending the Library Services Act of 1956*, 88th Congress, 1st Session, 1963, S. Rep. 592 to accompany S. 2265.

[9] Interview with Germaine Krettek, Director, American Library Association, Washington office.

[10] S. 2265 passed the Senate on November 26; passed the House on January 21, 1964, with an amendment; Senate agreed to the House amendment on January 30; approved by President on February 11, 1964, and became Public Law 88-269.

This difference between the two bills was a result of different evaluations of the constitutionality of federal aid to private or parochial schools. The House bill reflected the belief that there would be no constitutional problem. The Senate version reflected the belief that general aid to private schools would be unconstitutional but that aid for specific purposes (categorical aid) would be constitutional. Senate committee members Morse, Yarborough and Randolph (Dem.-W. Va.) all shared this view with only minor variations as to how far the concept of categorical aid could be carried. In other words, how many and what kind of categories would be used.

Floor Debate

On October 7, 1963, the Senate began debate on HR 4955. Morse opened the debate with the comment that HR 4955 was the " . . . first installment on the President's [education] program." The action on October 7 and 8 was the epitome of well-planned floor debate.

Six amendments were offered. Goldwater offered an amendment to cut the authorization and to eliminate the residential school and work-study program. Birch Bayh (Dem.-Ind.) proposed an amendment to increase the authorization. Javits offered an amendment for a modified anti-discrimination rider on Part C of the bill. Thomas Dodd (Dem.-Conn.) had an amendment for a technical change in PL 815 and PL 874. Clark introduced an amendment to reduce the extension of impacted areas aid from three years to one year and an amendment to substitute S. 580 for HR 4955.

Although Morse, the floor leader, opposed the Goldwater and Javits amendments, he knew in advance and condoned at least the introduction of the motions. Bayh's and Dodd's amendments also were anticipated. Only Clark's amendments bothered Morse. Clark had indicated in executive sessions that he might offer such amendments; Morse could not talk him out of it.

Goldwater and Javits Amendments

The Goldwater amendment was expected by Morse to be offered and was expected to be defeated soundly, as it was by a margin of 23 to 52.[11] The Javits amendment was more difficult to counter for, unlike the Bell amendment in the House, it was not a sweeping anti-discrimination rider.

Javits used as a basis for the amendment a ruling by the Commissioner of Education that segregated facilities operated with impacted area funds would be declared "unsuitable" educational facilities for the children of parents living on federal bases or posts. The Commissioner, therefore, would withdraw federal support and have on-base schools built. The Javits amendment would have added to this by giving the Commissioner "the same authority in respect to attendance at school of children whose parents work on a U.S. base or post but live off the base or post. . . ."[12]

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[11] U.S., Congress, *Congressional Record*, 88th Congress, 1st Session, 1963, p. 17872.

He argued that the President had the power to extend the ruling but refused to use it. Morse countered that the amendment would endanger the bill and make the children, who would have benefited from all three parts, the losers. Therefore, Morse argued, it would be best to wait and incorporate the concept into the omnibus civil rights bill "in the great civil rights debate that will be before the Senate."[13]

The tone of the debate was respectful disagreement with none of the vehement charges of hypocrisy that resounded back and forth during House debate. Partisan politics may have been part of Javits's motivation but as a staunch advocate of civil rights and as a senator from an urban state with a large Negro minority, Javits sincerely desired to air the issue although he knew that the amendment would not carry. Javits, a strong supporter of federal aid to education, had no desire to kill HR 4955.[14] Morse respected Javits's views and expressed this respect during debate, especially since he knew the amendment would not be accepted. On a motion by Morse, Javits's amendment was tabled 54 to 35.[15]

Bayh and Dodd Amendments

Birch Bayh's amendment is a classic example of a "set-up." Bayh, a freshman senator, had been frustrated by circumstances in three or four earlier attempts to make his maiden speech. Therefore, Morse made a prior agreement with Bayh that he should make his maiden speech on an amendment to increase the authorization in Part A of HR 4955. Subsequently, Bayh moved that the authorization be increased by a total of $224 million for the first three years. Morse planned for the amendment to be a counter to the Goldwater amendment, showing that vocational education could use more money than the administration had proposed. Morse and Bayh agreed that once this point was made the amendment would be withdrawn. After receiving accolades from the liberal senators, Bayh did just that.[16]

The Dodd amendment to Part C was designed to help impacted school districts that lost revenue when federal property was sold to private interests. Dodd had contacted Morse on this point earlier and the amendment nearly was accepted in executive sessions. The Office of Education had advised Morse, however, that the amendment was unnecessary and impractical.[17] Therefore, Morse consented to accept the amendment by voice vote on the condition that Dodd realize that it might be dropped in conference. Dodd agreed to this condition, probably knowing that the amendment would not emerge from conference.[18] However, the people in Connecticut would know that he at least had attempted to amend the impacted areas aid program.

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[12] *Ibid.*, p. 17992.
[13] *Ibid.*, p. 17994.
[14] Interview with Allen Lesser, Executive Assistant to Senator J. Javits, February 26, 1964.
[15] *Congressional Record, op. cit.*, p. 17997.
[16] *Ibid.*, p. 17987.
[17] Report submitted to the Education Subcommittee by the Office of Education, from the files of the Education Subcommittee.

Clark Amendments

Senator Clark was nearly out of Senator Morse's control during the whole floor debate. There were two separate issues that incited Clark to open rebellion. First, he was unhappy with the "piecemeal" approach that Morse was taking. "This piecemeal approach suggests to me an underestimate of the critical role of education in our society and of the impending crisis in the educational system."[19] While on the floor, he contemplated proposing an amendment to substitute S. 580 for HR 4955. However, Morse buttonholed him on the floor and convinced him not to offer it.

Second, Clark was very much opposed to the three-year extension of impacted areas aid.

> My objection to impacted area legislation is that it is wholly inequitable, in that it rewards inadequately school districts which should have more help and rewards over generously school districts which do not need and should not get any help.[20]

Clark offered an amendment to cut the Part C extension down to one year and to require a study group to appraise the program and make recommendations for modification.

Morse opposed the amendment on the grounds that one year would not be enough time to study the program adequately, that a three-year extension would relieve the Senate of the bothersome task of extension in 1964 and that a three-year extension would provide more bargaining power in conference. The logic of Morse's argument, including the fact that he had enough votes to defeat Clark's amendment, convinced Clark to modify his amendment to include just the study group.[21] This Morse was willing to accept and it carried by a voice vote.[22] Morse, plainly relieved, lauded Clark for his "high degree of statesmanship."[23]

It was important to Morse that he induce Clark to come back into the fold without defeating him on a roll call vote. Morse did not want to alienate one of the most liberal senators on the committee. Not only would it have made a bad appearance for two liberal senators to clash but the conflict might have harmed the cordial working relationship that generally existed between the two. Morse places high value on this relationship. Moreover, both of Clark's amendments implied a basic challenge to Morse's strategy and the orientation of the committee. Clark was rebelling against the consideration given to legislative strategy as opposed to the content of the bill or legislative content. He was frustrated because the Senate had to consider the mood of the House rather than just the value of the legislation. " . . . We are again . . . largely at the mercy of the House of Representatives. . . . I deplore the situation. . . ."[24] Morse, therefore, had to find a way to mollify Clark, for were Clark to flare up in conference, which is always a potentially emotional affair, personality conflicts would make it very difficult to reach any kind of agreement.

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[18] *Congressional Record, op. cit.*, p. 17997.

[19] *Ibid.*, p. 17842.

[20] *Ibid.*, p. 17846.

[21] The impromptu nature of the whole affair is shown by the fact that Charles Lee and John Forsythe, Chief Counsel of the Committee, whipped the modified Clark amendment into shape at Clark's desk during the debate between Morse and Clark.

[22] *Congressional Record, op. cit.*, p. 18010.

[23] *Ibid.*, p. 18024.

HR 6143 Passed

On October 21, the Senate passed its version of HR 6143. The debate on HR 6143 was much harder fought than the debate on HR 4955. In fact, Morse lost on one key point. An amendment proposed by Sam Ervin (Dem.-N.C.) adding a judicial review clause to the bill was accepted, 45-33.[25] The judicial review clause laid the basis for judicial challenge of federal aid to parochial schools. Morse opposed this provision because he felt that it was Congress's responsibility to decide the question of constitutionality for itself. If Congress felt that a measure was unconstitutional, it should be defeated but Congress should not, with its responsibility to uphold the Constitution, pass the responsibility on to the Supreme Court. Ervin, on the other hand, doubted the constitutionality of the bill and wanted to insure that the courts would have an opportunity to decide.

The bill with the Ervin amendment passed 60-19.[26] Morse faced a dilemma. The House already had indicated that it was unwilling to accept a judicial review clause. However, if the Ervin amendment were dropped in conference, the conference agreement might not pass the Senate. Actually, Morse was not sure at this time what would happen if HR 6143 were returned without the Ervin amendment. Many of the senators who had voted for the amendment and for the bill could be counted on to vote for the bill without the amendment. The margin either way promised to be small.

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[24] *Ibid.*

[25] *Ibid.*, p. 18526.

[26] *Ibid.*, pp. 18896-18897.

CHAPTER SEVEN

The Senate and House Agree

Back to Rules Committee

The Senate insisted upon its amendments in both bills and the members of the Education Subcommittee were appointed as Senate conferees. On the floor of the House, the immediate appointment of House conferees under unanimous consent was objected to; therefore, the bills were sent to Rules Committee to await the granting of a conference rule.[1]

The Rules Committee was no obstacle. HR 4955 and HR 6143 were granted rules on October 24.[2] The vocational education bill, having been supported by Smith and Elliott, cleared the committee easily. The decision on HR 6143 rested with Delaney. Despite the fact that he disliked the Ervin amendment, Delaney was willing to take the chance that the amendment would be dropped in conference.[3] A majority on the Rules Committee, already favoring HR 4955 and having granted three rules on higher education in two Congresses, followed Delaney's lead.[4]

HR 6143

The first (House-Senate) conference committee meeting took place on October 31. Morse was elected chairman of the conference committee at this time.[5] He immediately outlined a procedure which he felt the conference ought to follow. Morse suggested that HR 6143 be discussed first but that no final decisions be made until the staff had developed the necessary language changes. In the interim, HR 4955 could be discussed. Morse's intention was to tie the two bills together by holding off final approval of agreement on either bill until tentative agreement had been reached on both. Morse's proposed procedure was abandoned early; the bills, nevertheless, remained tied together.

HR 6143 Conference

Discussion on HR 6143 was initiated on October 31 and continued on

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[1] Under House rules, conferees may be appointed without recourse to Rules Committee only with unanimous consent, a very rare occurrence.

[2] The rule for HR 4955 was H. Res. 554 and the rule for HR 6143, H. Res. 555. Both were approved by the House on October 29 by voice vote.

[3] Interviews with Harmon Burns, Jr. and Richard Kelley, Legal Department, National Catholic Welfare Conference, February 26, 1964.

[4] Rules for floor debate and conference for HR 8900 in the 87th Congress and rule for floor debate on HR 6143 in the 88th Congress.

[5] It is customary that the chairman of the Senate committee be elected chairman; however, Hill declined in favor of Morse.

November 1. To the surprise of almost all involved, agreement was quickly reached on HR 6143. On November 1, the conferees agreed to a conference report which was prepared and dated November 4.[6]

There were three important compromises. On one compromise, the agreement was closer to the Senate version and on the other two the agreement was closer to the House version of HR 6143. First, the House version of HR 6143 had treated private and public community colleges and technical institutes the same. The Senate version had a separate title for public community colleges and technical institutes. The conference agreement included a separate allotment for public community colleges and technical institutes. Private nonprofit community colleges and technical institutes were classified with all other private nonprofit institutions of higher learning and all public institutions of higher learning except community colleges and technical institutes.

Second, the Senate conferees receded from their position on the Ervin amendment, which had been in the Senate version but not in the House version. Third, the Senate version utilized the concept of categorical aid whereas the House version provided for general grants. The conference substitute expanded Senate categories. Besides natural or physical sciences, engineering and libraries, the conference report included mathematics and modern foreign languages. Moreover, the phrase "and to be used only" was dropped. Therefore, the facilities had to be designed for, but not necessarily used for, the disciplines enumerated. This made the Senate categorical approach meaningless since a building designed for use in subjects listed, in most cases, could be used easily for other purposes. This was noted quickly by many staff members and legislators but slurred over in the conference report.

On November 6, the House approved the conference report. However, Morse held the conference substitute on HR 6143 from the Senate floor with the intention of delaying Senate approval until agreement was reached on HR 4955.

Conference Deadlock

Agreement on HR 4955 did not come easily; the conference quickly reached an impasse. The committee first met on November 5 to discuss the vocational education bill. Discussion was continued on the sixth and the seventh, at which time the conference committee adjourned to reconvene at the call of the chairman. That call did not come until December 3. Finally, after two more sessions, a conference report was agreed upon.

Points of Disagreement

There were a number of points of disagreement. Most of them were dispensed with with little trouble; however, the remaining issues nearly killed HR 4955 and, with it, HR 6143.

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[6] U.S., Congress, *Higher Education Facilities Act of 1963*, 88th Congress, 1st Session, Conference Report 884 to accompany HR 6143.

The difference in appropriation authorization was compromised by simple bargaining. The final figures in the conference report lay between the House and Senate versions.[7]

Table III
Appropriations Authorized
(in millions)

	Senate	House	Conference
FY 1964	$108	$ 45	$ 60
FY 1965	153	90	118.5
FY 1966	198	135	177.5
FY 1967+	243	180	225

The percentage of the appropriated funds reserved for the training of youths who have left or graduated from high school and for area vocational schools was set at 33 and a third per cent. The Senate figure had been 40 per cent and the House figure 25 per cent. In a similar manner, the conference substitute fixed 10 per cent as the amount reserved for grants for research and pilot projects. The Senate figure had been 15 per cent and the House figure 5 per cent. The percentage of the home economic funds restricted for use in job-related training was set at 10 per cent, which meant that relative amounts of money so affected were insignificant. The Republicans managed to retain the principle and the home economists were satisfied that their program would not be ruined.

With the exception of the Goldwater amendment, which was dropped as expected, the provisions of Part B emerged unscathed. At the insistence of the House members, who were planning extensive revision of the NDEA, the extension was reduced from three years to just one year. Since the majority of the Senate conferees favored an expansion, they did not object to the reduction.

The provision of Part C which would have included the District of Columbia and the Dodd amendment were dropped with little fuss. The Senate also receded on the Clark amendment for a comprehensive study although this irritated Clark. In return, the extension was limited to two years instead of three.[8]

There were three issues that deadlocked the conference. They were the work-study program, the residential school program and the allotment formula. Of these three, the difference in allotment formulas was the most difficult to resolve. All three issues became matters of principle to the conferees.

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[7] The final authorization was slightly higher than the original compromise because the House Parliamentarian ruled that no state could, in the substitute, receive more money than it would have received in the Senate version or less money than it would have received in the House version with its lower authorization. When the allotments were calculated according to the formula in the conference report and the conference authorization, it was found that some states would receive less than under the House formula and authorization. Therefore, the authorization had to be increased. The basis of the Parliamentarian's ruling was that no conference is allowed to add provisions which are not in one or the other of the bills. The conclusion was that the House and Senate versions set the limits on the least and the most money a state could receive. Any other amount would be considered a new provision. This is rather complicated and tenuous reasoning but the ruling was made.

[8] U.S., Congress, *Amendments to the Vocational Education Program, National Defense Education Act of 1958, and Public Laws 815 and 874, 81st Congress*, 88th Congress, 1st Session, 1963, Conference Rep. No. 1025 to accompany HR 4955, pp. 20-26.

Each one of the conflicts was resolved finally and agreement reached. The work-study program and the residential school program were combined into a single four-year program with an authorization, separate from the main authorization, of $30 million for fiscal year 1965, $50 million for fiscal year 1966, and $35 million for fiscal years 1967 and 1968. The Senate version authorized funds only for fiscal year 1964, $50 million for the work-study program and $15 million for residential schools. The House passed bill had no parallel provisions. In addition, the conferees agreed that legislative history would be made to insure that one of the schools would be built in the District of Columbia.

The Senate allotment formula was accepted. There was one modification. The conference substitute limited the maximum spread in the allotment ratio between the poorest and richest states to three to two. The Senate formula limited the allotment ratio to a spread of three to one.[9]

Analysis of the Deadlock

The conference became deadlocked because both the House and the Senate refused to recede on the allotment formula, residential schools and work-study program. The House Republican conferees and one Democrat, usually Mrs. Green, held a majority on the House conference committee and refused to back down. The Senate conferees also refused to recede from the Senate position. The deadlock over these three issues probably could have been resolved more easily had it not been reinforced by other factors.

One Vote

The minibus approach taken by the Senate led to the selection of a group of House conferees that the Republicans could dominate. The three parts of the Senate bill included subjects within the jurisdiction of all three House education subcommittees. Consequently, in order to have all of the subcommittees represented in conference, Powell selected members from each. Therefore, there were members of the conference committee who were not well informed on the details of Part A or the reasons for the changes made during the 12 subcommittee executive sessions. This would have created no problems had those conferees not on the General Subcommittee been willing to follow the lead of the chairman, Perkins. However, the Republicans were not willing to follow Perkins's lead and a minority of the Democrats were tempted to "play in someone else's [Perkins's] backyard."[10] The result was Republican dominance of the House conferees. The Republicans plus one Democrat refused to recede.

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[9] In theory, this change modifies the equalization factor since one state may be considered only one and a half times richer than another state for purposes of alloting funds even though that state actually may be four times richer. In practice, according to a report submitted by HEW, the change was insignificant. From the subcommittee files.

[10] Interview with ...., February 1964.

Table IV
Subcommittee Membership of the Conferees

Senators	*Subcommittee*	*Representatives*	*Subcommittee*
I. *Democrats*		I. *Democrats*	
Hill	Education	Powell	All
Morse	Education	Perkins	General
McNamara	Education	Green	Special
Yarborough	Education	Dent	Select
Clark	Education	Brademas	General & Special
Randolph	Education	Landrum	None
II. *Republicans*		II. *Republicans*	
Goldwater	Education	Frelinghuysen	All
Prouty	Education	Quie	General & Special
Javits	Education	Goodell	General & Special
		Martin	Select
		Bell	General

Moreover, the House conference committee was so composed that the Republicans needed only one Democrat to vote with them in order to have a majority. Normally in conference there are two more Democratic conferees than Republican conferees since there are two more Democrats than Republicans on each of the subcommittees. Powell, however, appointed six Democrats and five Republicans to the conference on HR 4955. There is no complete explanation for Powell's decision. Apparently it had something to do with Brademas's insistence that he be a conferee and Powell's desire to appoint Landrum.

Senate Stubbornness

The refusal of the Senate conferees to recede was reinforced by two factors. One was that Morse foresaw difficulty for the conference report on HR 6143 on the Senate floor and the other was the Senate's desire to maintain the administration and AVA positions.

Morse found himself in a squeeze on the allotment formula. He did not dare give in on the formula for that might have endangered the conference report on HR 6143. Since the Ervin amendment had been dropped in conference and the Senate had modified greatly its stand on categorical grants, there was doubt as to whether the conference report would be accepted by the Senate.

The key to the situation was Hill. Hill had voted against HR 6143 when it was in the Senate and had not signed the conference report. However, Morse was not afraid that Hill would vote against the bill, for that was a certainty, but Morse was afraid that Hill would become an active opponent of the conference substitute. Passive opposition, Morse calculated, would not endanger the agreement but active opposition might. Morse had great respect for the influence of Hill in the Senate. HR 4955, a bill which Hill liked, was Morse's sole means of mollifying him. The House allotment formula was considered by Hill to be intolerable. Therefore, Morse had to have the Senate formula in order to neutralize Hill. Consequently, Morse held the report on the higher education bill from the floor of the Senate not only to pressure the House conferees, especially the Republicans, into submission but to wait for an agreement on HR 4955 as insurance against the defeat of HR 6143 in the Senate.

The second reason why the Senate conferees refused to concede was that they were upholding the administration and AVA positions on all three major issues. The Senate bill was the administration's civil rights proposal including the major recommendations of the AVA. Morse and the Senate conferees, therefore, felt an obligation not to recede on the allotment formula, the work-study program or residential schools.

This became even more important when the conferences resumed on December 3 after the death of President Kennedy on November 22. The Senate conferees, deeply moved by this tragic event, felt that they ought to hold firm in memory of the late President. The Republicans from the House, although equally moved, still were not willing to accept what they considered "an ill-conceived and bad bill."[11]

House Republican Stubbornness

The House Republicans were as adamant as the Senate conferees. The Republicans were the staunch defenders of the House position, a position for which they had fought hard in executive sessions. The Republicans had been the main force advocating deletion of the work-study program and the change in the allotment formula; both of these amendments had been made in executive sessions by the margin of one vote. Although the germ of the idea for the residential school program had come from the Republican proposal for a national demonstration school in the District of Columbia, the Republicans strongly opposed the expanded program and vigorously denied that this is what they had had in mind. The House Democratic conferees, with the exception of Mrs. Green, were willing to accept the Senate version. The Republicans were angered by Perkins's early abandonment of the House position.

The Republicans were also irritated by the Senate tactics. They considered the minibus approach a blatant attempt to use impacted areas aid to pressure them into capitulation. Moreover, they considered Morse's decision to hold the conference report on HR 6143 from the Senate floor as pure blackmail. The Republicans did not hesitate to complain about this in conference or in public. Early in December, Goodell released a statement in which he said, "It has reached the stage where reason is being met with a straight power play, we can't talk with them (the Senate conferees); they aren't discussing the merits; and now the House conferees are infuriated."

Edith Green

Mrs. Green's vote was the swing vote that the Republicans needed to maintain a majority of the House conferees. Mrs. Green, re-elected from Oregon's third Congressional district since 1954, has developed the reputation of being a highly competent legislator in matters of education. She is also a very independent congresswoman. Once she decided that the Republican position on the allotment formula was the correct position she refused to budge.

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[11] Interview with Frelinghuysen, *op. cit.*

Tempers Flare

Conferences are always potentially emotional affairs. The least little spark can set off a personal conflagration. In the first place, conferences usually are held in fairly small rooms because of the lack of space in the Capitol. Because the minibus bill covered so many different aspects of education there were an unusually large number of conferees. By the time the 20 conferees and staff members were packed into the small room made available for the conference, it was difficult to hear, to see and to move. This situation led to short tempers and constant irritation.

In addition, there is also a natural animosity and jealousy that exists between the House and the Senate.

> Each chamber, granted high privileges of its own by the United States Constitution, has constantly encroached on those of the other, and as constantly been rebuffed, often amid angry words and bitter incriminations.[12]

Conference sessions become the focal point for these feelings. Neither body is willing to give in to the other. This is a point which Galloway notes: "From the outset the conference committee has been a medium of continuous struggle for legislative supremacy between the House of Representatives and the Senate."[13]

Complete Deadlock

A look at the activities of the interest groups most involved and interested in education legislation illustrates how complete the deadlock was. The AVA was powerless to do anything about the deadlock. Once the pattern of the deadlock had developed there was nothing that the association could do to persuade the Republicans from the House or Mrs. Green to recede. The AVA had stated its case and that case had been rejected.

The American Council on Education was also deeply interested in the conference on HR 4955. Not only was the ACE interested in the extension of the NDEA but it was well known that the fate of HR 6143 hinged on the conference on vocational education. "The differences over HR 4955 also have delayed final Senate action on HR 6143, the higher education facilities bill which has passed the House, because the Senate conferees have opposed bringing HR 6143 to a vote on the Senate floor until there is progress on HR 4955."[14]

Earlier in the session, the ACE had actively supported Mrs. Green on the higher education bill. By having ACE educators contact their representatives, the ACE had taken a "nose count" for Mrs. Green to estimate what the vote would be. In addition, a telegram was sent out to ACE members just before the bill went on the House floor asking them to call upon their congressmen to vote for the bill. In a similar manner, the ACE had contacted about 20 marginal senators for Morse just prior to Senate action.[15]

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[12] MacNeil, *op. cit.*, p. 370.

[13] George B. Galloway, *History of the House of Representatives*, (New York: Thomas Y. Crowell, 1961), p. 232.

[14] *Higher Education and National Affairs*, XII (December 1, 1963), 1.

During the conference, however, the ACE did nothing more than to keep its membership informed of the progress, or lack of progress. The ACE contemplated sending out a "brutal" memorandum asking its members to apply all possible pressure on the vocational education conferees. Initially, this memo was delayed because of the assassination of the President. Ultimately, however, the idea was abandoned because it was thought to be useless. It was feared that any kind of pressure would only stir up more personality conflicts. Consequently, the ACE just "held its breath" during the conference.[16]

The inability of interest groups to break the deadlock also is shown by the lack of effect Part C had on the conferees. An informal group of superintendents of school districts receiving impacted areas aid was very active from June 30, when PL 815 and PL 874 expired, clear through final approval of HR 4955. Since every state and 315 congressional districts have school districts receiving impacted areas aid, this group is quite powerful. However, the pressure applied to the conferees because of Part C had no noticeable effect.

Resolution

The situation on November 8 looked hopeless. No agreement could be found on any of the three points of contention. The split, especially on the allotment formula, appeared irreconcilable. Finally, the deadlock was broken by the White House. President Johnson, in his address before the Joint Session of Congress on November 27, pleaded for "strong, forward-looking action on the pending education bills."[17] The conferees agreed to meet on December 3. After two more sessions on December 6 and 9, a conference report was agreed to by the conferees.

The Senate version carried on all three major points. The work-study program and the residential school program were retained although the authorization was cut back. The principle of the Senate allotment formula was accepted with only the minor modification of the allotment ratios.

Personal Hand of the President

President Johnson worked through various channels to get agreement on HR 4955. Citing the immediate need for both bills, President Johnson reputedly contacted the dissenting Democrats personally.[18] This solved the main point of contention, the allotment formula. In addition, on the flight up to former Senator Lehman's funeral, President Johnson asked

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[15] Interview with Harrison Sasscer, Staff Associate, American Council on Education, February 13, 1964.

[16] *Ibid.*

[17] U.S., Congress, *Congressional Record*, 88th Congress, 1st Session, 1963, p. 21735.

[18] Direct evidence of such contacts is impossible to find but there are strong indications that the President talked to Mrs. Green and Powell.

Javits to find a compromise on the residential schools and work-study.[19] This Senator Javits did and the final agreement on this point was the compromise offered by Javits.[20]

Estimates vary as to how important the influence of the White House was. Some feel that President Johnson's actions merely insured agreement. However, others feel that no agreement could have been reached without personal intervention.

In view of the factors that reinforced the deadlock, the latter estimate appears to have been correct. The only other conceivable factor which could have led to agreement would have been fear of losing the higher education bill. However, Morse made his threat early in November. Since the House conferees felt from the beginning that Morse was not bluffing, agreement would have been reached earlier had this been the decisive factor.[21] Moreover, the decision of the ACE that additional pressure was useless is indicative that the status of HR 6143 was not adequate to force agreement. Morse's threat most certainly had no effect upon the Republicans who not only refused to sign the conference report on HR 4955 but seriously attempted to recommit HR 4955. Nor is there any evidence that Morse's tactics had any effect on Edith Green, the House leader on higher education.

House Approval

The battle on HR 4955 was not over with the conference agreement. The Republicans, who had refused to sign the conference report, pressed for recommittal when the conference agreement was brought back to the House floor for approval on December 12.

Frelinghuysen argued, "Hundreds of millions of dollars have been added to already generous authorizations. . . . But most serious of all, at the insistence of the other body, there have been included two novel, expensive and quite possibly unwise federal vocational programs."[22] The Republicans moved to recommit the bill to conference with instructions to drop the work-study program and the residential school program.

The Democrats charged that recommittal would kill the bill. Mrs. Green reluctantly supported the conference substitute. "There would be changes I would like to make . . . but, may I say to all of my colleagues today that this is a good bill."[23]

The motion to recommit with instructions was defeated by the narrow margin of 180 to 192. The vote was a party line vote with almost enough conservative Democrats joining the Republicans to carry the motion. The question of final passage carried easily by a vote of 300 to 65.[24]

Two factors prevented recommittal. First, Landrum, a very respected southern congressman, was willing to support the agreement even though he did not like the residential schools program. Many conservative Democrats, who felt that the program was the equivalent of a federally controlled system of schools, were willing to follow Landrum's lead.[25]

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[19] December 7 and 8.
[20] Interview with Lesser, *op. cit.*
[21] Interviews with Wolfe, Reed, Goodell and Frelinghuysen, *op. cit.*
[22] U.S., Congress, *Congressional Record,* 88th Congress, 1st Session, 1963, p. 23108.
[23] *Ibid.*, p. 23109.
[24] *Ibid.*, pp. 23120-23121.

Second, and much more important, was Part C. Many uncertain representatives were under very heavy pressure to extend the program as soon as possible. The manner in which the impacted areas aid program is approached in the House can be seen clearly from the following exchange during debate:

> *Waggoner* (Dem.). Will the gentleman tell the members of the House how many school districts are affected by Public Laws 815 and 874?
>
> *Dent.* I cannot tell the gentleman the exact total but I think that there are 4,100, give or take two per cent.
>
> . . . .
>
> *Powell.* I can tell the gentleman how many congressmen would be affected.
>
> . . . .
>
> *Dent.* Three hundred and fifteen.[26]

Without exception, all of those involved with the bill will feel that impacted areas aid was the most important factor that prevented recommittal.[27] The Republicans, even before they attempted to recommit the bill on the floor, felt that the motion would be defeated because of impacted areas aid.[28]

The Democrats were correct in their evaluation that recommittal would have killed the bill. It is doubtful that Morse would have been willing to go back to conference. He has very strong views on the balance of power between the House of Representatives and the Senate. In his opinion, going back to conference at the demand of the House would have been capitulation and would have upset the balance.

However, the Republicans probably were not intentionally trying to kill the bill. Floor leaders Goodell and Frelinghuysen did not take into consideration whether Morse would go back to conference. They refused to take into consideration what the Senate would do. The Republicans would probably not have been terribly distressed if the bill had died; of the Republican conferees, only Goodell voted for final passage. If the bill had died, they would have tried to pin the blame on the Democrats. Yet, it is doubtful that they were trying to defeat the legislation. In the words of Frelinghuysen, "I would rather have the legislation than the talking point."[29] The Democrats did not believe this.

After the Shouting

Two days before House approval of the conference report on HR 4955, the Senate accepted the conference agreement on HR 6143 by a margin of 54-27.[30] It is possible that Morse overestimated the potential resistance to the higher education bill for it was passed easily. On December 13, the Senate agreed to the conference report on HR 4955 by an overwhelming majority of 82 to 4.

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[25] Interview with Wolfe, *op. cit.*

[26] *Congressional Record, op. cit.*, p. 23110.

[27] Interviews with Wolfe and Reed, *op. cit.*

[28] Interviews with Radcliffe and Goodell, *op. cit.*

[29] Interview with Frelinghuysen, *op. cit.*

On December 18, 1963, the President of the United States, Lyndon B. Johnson, approved the Vocational Education Act of 1963 and it became Public Law 88-210. However, this is not the end of the history of HR 4955, for the authorizations in the bill were just hunting licenses for appropriations. But that would be another story.

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[30] U.S., Congress, *Congressional Record*, 88th Congress, 1st Session, 1963, p. 22915.